



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MON, APRIL 28, 2008
7:00P.M.**

OPENING MATTERS

CALL TO ORDER

INVOCATION: Fr. Thomas Ursulak, St. Peter's Roman Catholic Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Council Commendation:

In recognition of AFSCME Week, accepted by Ron Lyons, President Local 2763

Mayoral Proclamation:

In recognition of National Bike Month, accepted by Emily Weidner

To Jordan Jensen, Eagle Scout Troop 183

Presentation by Greater Reading Young Professionals

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on an agenda business shall speak at the beginning of the meeting and shall

limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council member or other elected or public official in attendance.

APPROVAL OF AGENDA AND MINUTES

Tab 2. AGENDA: Council Meeting of April 28, 2008

Tab 3. MINUTES: Council Meeting of April 14, 2008

Tab 4. Consent Agenda Legislation

Resolution - granting the request by the Commonwealth of Pennsylvania, Governor's Office of Administration, Office of Public Safety Radio Services (OPRS), to locate a buried conduit for fiber connection between two OPRS sites, shown in Exhibit B.
(Solicitor)

Resolution – requesting an approval for a revision to the “Official Sewage Facilities Plan” to provide a Sewage Facilities Planning Module for the proposed the development and construction of their Berks Community Foundation headquarters and community conference center. **(Public Works Dept)**

Resolution – requesting an approval for a revision to the “Official Sewage Facilities Plan” to provide a Sewage Facilities Planning Module to allow the construction on 4 single family homes at 1449 Monroe Street for Habitat for Humanity **(Public Works Dept)**

Resolution – requesting an approval for a revision to the “Official Sewage Facilities Plan” to provide a Sewage Facilities Planning Module to allow the construction on 4 semi-detached dwellings at 1131-1135 Luzerne Street for Habitat for Humanity **(Public Works Dept)**

Resolution – requesting an approval for a revision to the “Official Sewage Facilities Plan” to provide a Sewage Facilities Planning Module to allow the construction on 4 two semi-detached dwellings at 1415 Montgomery Street for Habitat for Humanity **(Public Works Dept)**

Resolution – requesting Met Ed install additional street lights, provide energy, and total maintenance on pole 51143-36869 in front of 240 Wunder St and on pole 51138-37857 in front of 1119 Spruce St **(Engineering)**

Award of Contract – for the site land development site engineering and for the building architectural services. (Public Works) **TO BE DISTRIBUTED ON MONDAY**

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

Tab 5. ORDINANCES FOR FINAL PASSAGE

Bill No. 21- amending the City of Reading Codified Ordinances, Chapter 6 – Conduct, by creating a new Part 8- Solicitation, requiring a permit for solicitation and canvassing to protect the safety, health and welfare of those who live and visit the City of Reading. **(Chief of Police-Council Staff)** *Introduced at the 02/11/08 Regular Meeting; tabled at the 02/25/08 Regular Meeting; Scheduled for discussion at the 4-7 Public Safety Meeting; Discussed at 4-7 Pub Safety Committee; Tabled at the 4/14/08 Regular Meeting*

Bill No. 26 - amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund **(Council Pres. Spencer- Council Staff)** *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review; Discussed at 4-7 Finance Committee; Tabled at the 4/14/08 Regular Meeting*

Bill No. 31 – authorizing the widening of the public right of way in the 200 block of Grape Street **(Planning)** *Introduced at the March 24 regular meeting of Council*

Bill No. 32 – providing a cost of living increase to the Fire Pensioners retiring before January 2000 and their beneficiaries **(Fire Pension Board & Council Staff)** *Introduced at the 4/14/08 Regular Meeting*

Bill No. 33 – amending the Officers and Employees Pension Ordinance by striking all references to beneficiaries **(Pension Administrator and Council Staff)** *Introduced at the 4/14/08 Regular Meeting*

Bill No 34 – amending the Police Pension Ordinance by adding language regarding beneficiaries to provide clarification **(Pension Administrator and Council Staff)** *Introduced at the 4/14/08 Regular Meeting*

Bill No. 35 – amending the City of Reading Codified Ordinances Chapter 21 – Streets and Sidewalks by increasing fees and making corrections as noted herein. **(Public Works Engineering and Council Staff)** *Introduced at the 4/14/08 Regular Meeting*

Pending
Advertisement and Public Hearing Required by MPC
Notice of Pending Ordinance Doctrine

Ordinance- amending the Zoning Ordinance and Zoning Map by changing the R-3 zoning designation to an R-1 zoning designation in Council District 1 to include parcels with the personal identification numbers (PIN) 530654145536, 530653140352, 530653036926, 530653033998, 530661035444, 530654149617, 530646158196, 530646158196, 530646155975. **(Councilor Fuhs) Introduced at the March 10 regular meeting**

Ordinance – amending the Zoning Ordinance by prohibiting rental uses in the R-1, R-1A and R-2 Zoning Districts **(Councilor Marmarou & Council Staff) Introduced at the March 24 regular meeting of Council**

Tab 6. INTRODUCTION OF NEW ORDINANCES

Ordinance – authorizing the execution of a document granting a thirty-five foot (35') wide easement and right of way from the City of Reading to Metropolitan Edison Company, located over a portion of property known as Berks County Alternate APN 18530616947572, near Millmont. (Solicitor)

Ordinance – amending the City's Codified Ordinances Chapter 24 Taxation, Special, by creating a new Part 10 Residential Rental Tax which levies a tax of \$50 on all Lease Transactions which authorize a person to be an Occupant of a Residential Rental Unit, regardless of when such person or persons commenced occupancy of the Residential Rental Unit (Solicitor)

Tab 7. RESOLUTIONS

Resolution – reappointing James Reber to an alternate position on the Board of Health **(Administrative Oversight and Land Use Committee)**

Resolution – reappointing Brian Sands to the Plumbing Board of Examiners **(Administrative Oversight and Land Use Committee)**

Resolution – appointing Charles Wanyo III to the DID Authority **(Administrative Oversight and Land Use Committee)**

PUBLIC COMMENT – GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, April 28th

Meeting with the Mayor – Mayor's Office at 4:00 p.m.

Committee of the Whole – Council Office at 5:00 p.m.

Regular Meeting – Council Chambers at 7:00 p.m.

Monday, May 5th

Meeting with the Mayor – Mayor's Office at 4:00 p.m.

Public Safety Committee – Council Office at 5:00 p.m.

Finance Committee – Council Office at 5:00 p.m.

Monday, May 12th

Meeting with the Mayor – Mayor's Office at 4:00 p.m.

Committee of the Whole – Council Office at 5:00 p.m.

Regular Meeting – Council Chambers at 7:00 p.m.

Tuesday, May 13th

Meeting with the Reading School Board at 5:30 p.m.

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, April 28

DID Authority – Reading Eagle 3rd Floor Conference Room – noon

BARTA – BARTA Office – 3 pm

Park and Recreation Advisory Committee – Pendora Field House – 5:45 pm

Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm

Charter Board – Penn Room – 7 pm

Penn's Commons Neighborhood Group – Penn Commons Meeting Room – 7 pm

Thursday, May 1

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Christ Lutheran Church – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Legislative Aide Committee – Penn Room – 7:30 pm

Monday, May 5

Centre Park Artifacts Bank – 705 N 5th St – noon

Shade Tree Commission – Planning Conference Room – 6 pm

Wyomissing Park Property Owner's Assn – Member home – 6:30 pm

Wednesday, May 7

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

Thursday, May 8

Police Pension Board – Penn Room – 10 am

Board of Health – Penn Room – 6 pm

Southeast Community Council – Amanda Stoudt Elementary School – 7 pm

Sunday, May 11

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, May 12

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Field House – 6:30 pm

Charter Board – Penn Room – 7 pm

City of Reading City Council

Regular Meeting Monday, April 14, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Council President Vaughn D. Spencer.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor S. Fuhs, District 1
Councilor M. Goodman-Hinnershitz, District 2
Councilor D. Sterner, District 3
Councilor S. Marmarou, District 4
Council J. Waltman, District 6

Acting Managing Director, R. Hottenstein
City Solicitor C. Younger
City Auditor D. Cituk
City Clerk L. Kelleher
Public Works Director C. Jones
Sgt. at Arms Capt. R. Shafer

PROCLAMATIONS AND PRESENTATIONS

City Council issued a Commendation honoring the Reading Senior High School boy's basketball team, accepted by members of the team and coach Reyes.

A Mayor Proclamation was issued in recognition of Fair Housing month, accepted by Kim Talbot Administrator Fair Housing and Human Relations Office.

PUBLIC COMMENT

Council President Spencer announced that five residents were registered to address Council on non-agenda matters. He inquired if Council wished to suspend a portion of the public speaking rules to allow them to comment at this point in the meeting. As no one objected, comment on non-agenda matters was permitted at this point in the meeting. Council President Spencer reminded those registered to address Council of the remaining public comment rules.

Sharon Bates, of Walnut Street, was not present.

Alan Shuman, representing Reading Outlet Center, stated that zoning in this area was changed to R-O (Residential-Outlet) which supported the mix of retailing shopping uses with high density residential. As it is unlikely that this type of use will dominate this area again, he requested that this area be changed to C-N (Commercial-Neighborhood) which will expand the available uses of these abandoned buildings. He stated that the Administration supports his request to change the zoning in this area from R-O to C-N. He asked Council to enact the legislation necessary to effect this change.

Mary Kay Bernowski, Executive Director of Berks Women in Crisis (BWIC), stated that the organization was founded over 30 years ago. She described the programs offered by BWIC that serves approximately 17,000 County residents. She noted the importance of the services provided by the shelter.

Stefan Kosikowski, of S 17th Street, noted the many difficulties associated with poverty nationwide. He described the difference between charity and poverty. He expressed the belief that poverty translates equally regardless of ethnicity.

Carlos Zayas, of N. 8th Street, expressed the belief that the City has not complied with the required EEOC and Affirmative Action plans. He also noted the importance of the work done by the Police Diversity Board which was created through litigation.

APPROVAL OF AGENDA

Council President Spencer called Council's attention to the agenda for this meeting and minutes from the March 24, 2008 regular meeting of Council.

Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt the agenda for this meeting including the legislation listed under the consent agenda heading and the minutes from the March 24, 2008 regular meeting of Council. The motion was approved unanimously.

CONSENT AGENDA

Resolution – Requesting the City of Reading and Met Ed install street lighting in the alleyway between the 1600 block of N. 15th Street and Palm St (**Councilor Marmarou**)

Award of Contract – to URDC (Urban Research and Development Corporation for the preparation of a Zoning Ordinance, SALDO and Official Map for the City of Reading, at a cost not to exceed \$53,600 (**Purchasing**)

ADMINISTRATIVE REPORT

Acting Managing Director Hottenstein highlighted the report distributed to Council at the meeting covering the following:

- Disaster preparedness training for community groups scheduled for May 30 at the Inn at Reading
- Citizen Codes Inspector quality of life sweeps scheduled for Tuesday, April 15 at 9 am and Saturday, April 19 at 9:30 am
- Great American Clean Up scheduled for Saturday, April 19
- Implementation of the Health and Safety Review Ordinance on June 1, 2008

Councilor Fuhs inquired when Council would be presented with a comprehensive financial plan that will deal with the proposed budget deficit announced by the Administration earlier this year. Acting Managing Director Hottenstein stated that this information will be presented at the May Finance Committee meeting.

Councilor Fuhs inquired if the Administration plans to use some or all of the revenue expected from the sale of Antietam to balance the deficit. Acting Managing Director Hottenstein stated that the Administration is currently considering all options.

Councilor Marmarou noted the Mayor's previous sentiment to use the Antietam revenue to cover capital improvements parks and recreation areas. Acting Managing Director Hottenstein stated that this was sentiment, not a requirement.

Councilor Fuhs inquired when Council would be presented with a proposed amendment to the Capital Improvement Budget. Acting Managing Director Hottenstein stated that the Administration will be introducing this ordinance at the April 28th regular meeting of Council.

Councilor Goodman-Hinnershitz recalled the points made during discussions about the use of the revenue from the sale of Antietam. She noted the concern expressed by many citizens that this money will be placed in the general fund rather than be used to benefit public property. She requested that, in addition to discussion at the Finance Committee meeting, the Administration also present a full disclosure of the Capital Improvement amendments at the Public Works Committee meeting.

Councilor Waltman noted the need for thorough debate and consideration of all issues, capital and general fund.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report provided to Council at the meeting covering the following:

- 2007 DCED report revealing a positive general fund balance of \$5.2 million as of 12/31/07
- Comparison of Real Estate Tax collections versus the general fund budget totals between 1988 and 2008 showing a decrease in property taxes collections when compared to the approximate \$50 million increase in the City's general fund budget over this 20 year period
- Report on motor codes traffic fines collected between 2004 and 2007
- Update on the 2007 external audit

Council President Spencer noted the large gap between the amount of property tax collected and amount of the general fund budget. He requested a break-out of the number of properties (rental and single family) from 1988 through 2008.

City Auditor Cituk noted the difficulty in obtaining information on the number of rental properties versus single family homes. City Clerk Kelleher stated that this information can be obtained from the Berks County Planning Commission.

Council President Spencer noted the dramatic change in his neighborhood since the 1980's. In the 1980's the majority of homes in his neighborhood were single family homes. However, now the majority of the properties in his neighborhood are rental properties. He noted the same property tax is collected for rental and single family homes. However, the homes require a larger amount of public services.

Councilor Waltman also noted the increase in exempt properties over the last 20 years. He requested a break-out of the number of exempt properties as approved by the Berks County Assessment Board between 1988 and 2008.

Councilor Waltman also noted the increase in expenditures over the last 10 years and the slight increase in City property value since the 1980's.

Councilor Goodman-Hinnershitz expressed the belief that property taxes will never keep pace with City expenditures. She agreed that multi-unit properties require more public services than single family homes and property taxes will not cover the deficiency.

Acting Managing Director Hottenstein noted that property taxes are paid by the owners of single family and rental properties.

Council President Spencer expressed the belief that owner occupied properties are better cared for than rental properties. He also noted the increased need for public services at rental units.

Councilor Sterner noted the need to strike some balance to reduce expenditures. He noted the \$23 million increase in the City's general fund expenditures over the last five years.

ORDINANCES FOR FINAL PASSAGE

Bill No. 21-2008 - amending the City of Reading Codified Ordinances, Chapter 6 – Conduct, by creating a new Part 8- Solicitation, requiring a permit for solicitation and canvassing to protect the safety, health and welfare of those who live and visit the City of Reading. ***(Chief of Police-Council Staff) Introduced at the 02/11/08 Regular Meeting; tabled at the 02/25/08 Regular Meeting; Scheduled for discussion at the 4-7 Public Safety Meeting; Discussed at 4-7 Pub Safety Committee***

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 21-2008.

Bill 21-2008 was tabled by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: None – 0.

Bill No. 26-2008 - amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund (**Council Pres. Spencer- Council Staff**) *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review; Discussed at 4-7 Finance Committee*

Councilor Marmarou moved, seconded by Councilor Sterner, to table Bill 26-2008.

Bill 26-2008 was tabled by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: None – 0.

Bill No. 30 - 2008- amending Chapter 20 Part 1 Solid Waste of the City of Reading Codified Ordinances by defining the term limit of the members of the Solid Waste Board of Appeals (**Council Staff**) *Introduced at the March 24 regular meeting of Council*

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 30-2008.

City Clerk Kelleher explained the enactment of this ordinance will set term limits for citizens appointed to serve on the Solid Waste Board of Appeals. Without term limits for citizen appointments, those appointed would serve indefinite terms. She noted that elected and public officials serving on the Board change due to attrition and changes caused by the election cycles.

Bill 30-2008 was enacted by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: None – 0.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance – providing a cost of living increase to the Fire Pensioners retiring before January 2000 and their beneficiaries (**Fire Pension Board & Council Staff**)

Ordinance – amending the Officers and Employees Pension Ordinance by striking all references to beneficiaries (**Pension Administrator and Council Staff**)

Ordinance – amending the Police Pension Ordinance by adding language regarding beneficiaries to provide clarification (**Pension Administrator and Council Staff**)

Ordinance – amending the City of Reading Codified Ordinances Chapter 21 – Streets and Sidewalks by increasing fees and making corrections as noted herein. (**Public Works Engineering and Council Staff**)

RESOLUTIONS

Resolution 51-2008 – authorizing the submission of a letter to the federal Office of Economic Adjustment requesting that the City be named as successor to the Berks County Local Redevelopment Authority (LRA) (**Council Staff**)

Councilor Fuhs moved, seconded by Councilor Sterner, to adopt Resolution 51-2008.

Council President Spencer stated that the Berks County Commissioners undertook the LRA process when the Naval Marine Center on Kenhorst Blvd was decommissioned by the Department of Defense. Due to the change in Commissioners and the County's change in plans for this building, the newly elected Commissioners decided unanimously to withdraw from the Local Redevelopment Authority process. The County's withdrawal allows the City to secede and take over the LRA process where the County left off. He noted the importance of this parcel situated between residential areas zoned R-1 and R-2.

Councilor Goodman-Hinnershitz noted the need for Council to understand the LRA process and responsibilities thereunder.

Councilor Fuhs noted the Mayor's discussions with Berks Women in Crisis about obtaining this property and noted the need for Council to discuss this issue with the Mayor. He stated that this parcel, located in the 18th Ward area, is a prime piece of real estate located between two low density residential areas. He noted the outcry from the 18th Ward citizens asking the City to avoid using this property in a way that would conflict with neighboring properties. He noted the seemingly strong interest from the Mayor to help BWIC relocate the Wyomissing Park area. He expressed the belief that the Mayor's actions to collaborate with

Berks Women in Crisis would create a conflict of interest interfering with his ability to participate on the City's LRA.

Councilor Waltman questioned the composition of the LRA. Ms. Kelleher stated that this information will be gathered and presented to Council at the upcoming work session.

Councilor Marmarou noted the need for the Mayor and Council to work together and suggested that the Mayor avoid breaking out on his own to collaborate with Berks Women in Crisis.

Acting Managing Director Hottenstein noted the Administration's intention to follow the process as required.

Councilor Goodman-Hinnershitz noted the need to define homeless as this definition will govern the uses applicable for this parcel.

Ms. Kelleher stated that the definition of homeless is provided in the McKinney Vento Act and will be provided with the work session materials.

Resolution 51-2008 was adopted by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: None – 0.

COUNCIL COMMENT

Councilor Fuhs noted the celebration of National Crime Victims Rights Week at various locations around the County.

Councilor Fuhs noted the enthusiasm of Mr. Zayas. He agreed that the City needs to update its Affirmative Action plan and has hired a Diversity Officer to effect that change. He stated that Mr. Zayas' description that the City is making little correction on the changes requested by the Police Diversity Board is erroneous. He noted the City's many accomplishments since the litigation settle in 2005 such as payment of bonuses to bi-lingual officers, change in the method used to select and hire officers off the Civil Service list, allowing candidates to re-test, etc. He also noted Council's efforts to clarify the issue regarding the residency requirement for Police Diversity Board members. He noted the opinion issued by the Charter Board. The opinion requires all members of Boards, Authorities, and Commissions to comply with the City Constitution.

Councilor Goodman-Hinnershitz noted the need for broader discussion and education on Berks Women in Crisis and other similar organizations. She agreed with the need to follow the LRA process in the proper manner. She urged the Mayor to also follow that process.

Councilor Goodman-Hinnershitz thanked all for participating in the kick-off of the Pagoda Anniversary. She noted the great dedication of those who gave their volunteer time to the event and associated improvement projects.

Councilor Goodman-Hinnershitz noted the upswing in curfew problems in District 2 and asked that the Police Department respond accordingly.

Councilor Marmarou noted the College Heights Community Council is seeking volunteers to assist in their Great American Clean up project around the Sweet Street area on Saturday, April 19 at 9 am.

Councilor Waltman congratulated the Reading High School boy's basketball team for their athletic ability and conduct during the 2007-2008 season. He stated that their actions are testimony to the community.

Councilor Waltman also agreed that the LRA process be followed and a mission defined.

Councilor Waltman expressed the belief that the City could have made greater strides towards achieving diversity in employment without litigation. He noted that the cost of the litigation along with the costs associated with the Police Diversity Board has been more of a hindrance than a help.

Councilor Sterner thanked all citizens who addressed Council this evening. He congratulated the Reading High School boy's basketball team for their fabulous season. He noted that this is a terrific group of young men who represented the City well.

Council President Spencer stated that Council members review the monthly meeting minutes and reports from the Police Diversity Board and also attend Police Diversity Board meetings when they do not conflict with the City Council meeting schedule. He commended the Police Department for working to improve their hiring practices to yield better representation of the Reading community.

Council President Spencer noted the City's continued funding of the Opportunity House and similar facilities available to protect and serve the homeless population.

Council President Spencer questioned the progress made on reprogramming CDBG funding as addressed by Triad. He also inquired about the progress made in hiring a Community Development Director to manage the Section 108 loan program.

Council President Spencer also questioned the progress on the sale of the Airport Land. He stated that new information has become available noting the need for the proposed research facility to only be successful if a strong bond is afforded by a research hospital rather than a research university. He noted the need for more feedback on this issue.

Council President Spencer also requested an update on the Berkshire Bottling plant construction and the African American Museum project.

Councilor Goodman-Hinnershitz noted the opening of the Abigail Teahouse at Clymer and Perkiomen Ave.

Council President Spencer reminded all of the upcoming meeting scheduled.

Councilor Fuhs moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.

Linda Kelleher
City Clerk

RESOLUTION NO. _____

Whereas, the Commonwealth of Pennsylvania, Governor's Office of Administration, Office of Public Safety Radio Services (OPRS), has made a formal request (see attached Exhibit A) to the City of Reading to locate a buried conduit on city-owned land for fiber connection between two OPRS sites (see attached Exhibit B); and

Whereas, the City of Reading recognizes the importance of communication coverage for the City of Reading and County of Berks; now, therefore,

The Council of the City of Reading hereby resolves as follows:

That the City of Reading hereby grants the formal request by the Commonwealth of Pennsylvania, Governor's Office of Administration, Office of Public Safety Radio Services (OPRS), to locate a buried conduit for fiber connection between two OPRS sites as shown on the March 17, 2008 Drawing (Exhibit B).

Adopted by Council on _____, 2008

President of Council

Attest:

City Clerk



OFFICE OF ADMINISTRATION

GOVERNOR'S OFFICE of ADMINISTRATION

Office of Public-Safety Radio Services

2605 Interstate Drive, Suite 140

Harrisburg, Pennsylvania 17110

www.radio.state.pa.us

April 14, 2008

Mr. Charles Younger, Solicitor
City of Reading
815 Washington Street
Reading PA 19601

Mr. Younger:

This is a formal request on behalf of the Commonwealth of Pennsylvania, Governor's Office of Administration, Office of Public-Safety Radio Services, to locate a buried conduit for fiber connection between two OPRS sites located in Reading, PA. The enclosed documentation prepared by Mr. John Nally of our Engineering Department staff, presents the scope of work needed at this site. The Commonwealth of Pennsylvania acknowledges its responsibility to properly install conduit and restore ground in a proper and professional manner.

The directive for the Office of Public-Safety Radio Services is to provide a statewide 800 MHz radio network for Pennsylvania State Police, Pennsylvania Department of Transportation, Commonwealth of Pennsylvania State Agencies, as well as various First Responders and Homeland Security initiatives. Our tower located in Reading, PA is the critical communication location that will assist our office in maintaining our 95% coverage mandate in this county. The assistance from the City of Reading is greatly appreciated and accepted.

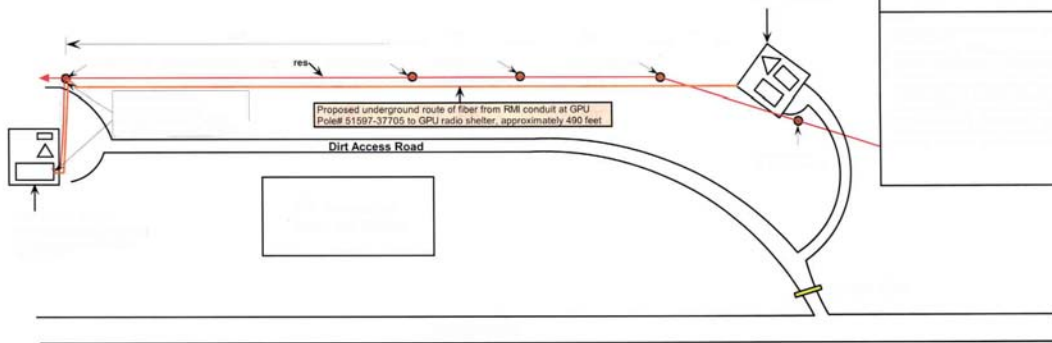
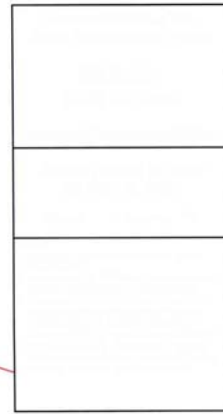
Enclosed is contact information for Franklin Moore, Project Coordinator for the OPRS office, all correspondence should be made through his office.

Sincerely,

Charles J. Brennan
Deputy Secretary of Administration
Office of Public Safety Radio Services



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AGENDA MEMO

THOMAS M. MCMAHON, MAYOR
R. LEON CHURCHILL, JR., MANAGING DIRECTOR

TO: City Council
FROM: Thomas M. McMahon, Mayor
PREPARED BY: Deborah A.S. Hoag, P.E.
MEETING DATE: April 28, 2008
AGENDA MEMO DATE: April 24, 2008
REQUESTED ACTION: Act on Resolution for Sewage Plan Revision for
The Berks County Community Foundation

RECOMMENDATION

The Administration recommends that Council approve this resolution for a sewage plan module as the proposed connection does comply with the allocations and other aspects of the provision of Chapter 94 of State Statutes.

BACKGROUND

The Pennsylvania code requires municipalities to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes. The code also provides for the revision of the plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management.

The Berks County Community Foundation proposes to construct a building for their headquarters and a community conference center on a 0.33 acre parcel bounded by Court, N. Third, and Thorn Streets. Based on the proposed use and standard flows for that use, an additional 1,370 gallons per day or 3.43 equivalent dwelling units are the anticipated wastewater demand in excess of the prior use.

The Administration has determined that the land development described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water

quality management. Upon review and approval by the City, the planning module will be sent to the Pennsylvania Department of Environmental Protection for final review.

BUDGETARY IMPACT

The planning module fee of \$500 will be deposited in the sewer revenue account.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

RECOMMENDED BY

Utilities Division Manager, Public Works Director, Managing Director, and Mayor.

MOTION

Approve/Deny the resolution on the City Sewage Facilities plan revision for the Berks County

Community Foundation Land Development.

RESOLUTION NO. _____

RESOLUTION FOR SEWAGE MODULE REVIEW FOR NEW LAND DEVELOPMENT

RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY,
PENNSYLVANIA (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L.1535, known as the "Pennsylvania Sewage Facilities Act", as amended and the Rules and Regulations of the Pennsylvania Department of Environmental Resources adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, Berks County Community Foundation has proposed the development and construction of their headquarters and community conference center. This project is described in the attached Sewage Facilities Planning Module. It is proposed that this land development be served by sewer tap-ins.

WHEREAS, the City of Reading finds that the land development described in the attached Sewage Facilities Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Reading hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

PASSED COUNCIL _____ 2008

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

AGENDA MEMO

THOMAS M. MCMAHON, MAYOR
R. LEON CHURCHILL, JR., MANAGING DIRECTOR

TO:	City Council
FROM:	Thomas M. McMahon, Mayor
PREPARED BY:	Deborah A.S. Hoag, P.E.
MEETING DATE:	April 28, 2008
AGENDA MEMO DATE:	April 24, 2008
REQUESTED ACTION:	Act on Resolution for Sewage Plan Revision for Reading-Berks Habitat for Humanity's 1449 Monroe Street Subdivision

RECOMMENDATION

The Administration recommends that Council approve this resolution for a sewage plan module as the proposed connection does comply with the allocations and other aspects of the provision of Chapter 94 of State Statutes.

BACKGROUND

The Pennsylvania code requires municipalities to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes. The code also provides for the revision of the plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management.

Reading-Berks Habitat for Humanity proposes to construct four single family attached dwellings on a subdivided parcel in the odd side of the 1400 block of Monroe Street between Route 12 and Lackawanna Street. Based on the proposed use and standard flows for that use, an additional 1,600 gallons per day or 4 equivalent dwelling units are the anticipated wastewater demand in excess of the prior use.

The Administration has determined that the land development described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management. Upon review and approval by the City, the planning module will be sent to the Pennsylvania Department of Environmental Protection for final review.

BUDGETARY IMPACT

None

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

RECOMMENDED BY

Utilities Division Manager, Public Works Director, Managing Director, and Mayor.

MOTION

Approve/Deny the resolution on the City Sewage Facilities plan revision for Reading-Berks

Habitat for Humanity 1449 Monroe Street subdivision.

RESOLUTION NO. _____

RESOLUTION FOR SEWAGE MODULE REVIEW FOR NEW LAND DEVELOPMENT

RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY,
PENNSYLVANIA (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L.1535, known as the "Pennsylvania Sewage Facilities Act", as amended and the Rules and Regulations of the Pennsylvania Department of Environmental Resources adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, the Reading-Berks Habitat for Humanity has proposed the development and construction of the 1449 Monroe Street subdivision. This project is described in the attached Sewage Facilities Planning Module. It is proposed that this land development be served by sewer tap-ins.

WHEREAS, the City of Reading finds that the land development described in the attached Sewage Facilities Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Reading hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

PASSED COUNCIL _____ 2008

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

AGENDA MEMO

THOMAS M. MCMAHON, MAYOR
R. LEON CHURCHILL, JR., MANAGING DIRECTOR

TO:	City Council
FROM:	Thomas M. McMahon, Mayor
PREPARED BY:	Deborah A.S. Hoag, P.E.
MEETING DATE:	April 28, 2008
AGENDA MEMO DATE:	April 24, 2008
REQUESTED ACTION:	Act on Resolution for Sewage Plan Revision for Reading-Berks Habitat for Humanity's 1131-1135 Luzerne Street Subdivision

RECOMMENDATION

The Administration recommends that Council approve this resolution for a sewage plan module as the proposed connection does comply with the allocations and other aspects of the provision of Chapter 94 of State Statutes.

BACKGROUND

The Pennsylvania code requires municipalities to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes. The code also provides for the revision of the plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management. Reading-Berks Habitat for Humanity proposes to construct four single family semi detached dwellings on a subdivided parcel in the odd side of the 1100 block of Luzerne Street. Based on the proposed use and standard flows for that use, an additional 1,600 gallons per day or 4 equivalent dwelling units are the anticipated wastewater demand in excess of the prior use.

The Administration has determined that the land development described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management. Upon review and approval by the City, the planning module will be sent to the Pennsylvania Department of Environmental Protection for final review.

BUDGETARY IMPACT

None

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

RECOMMENDED BY

Utilities Division Manager, Public Works Director, Managing Director, and Mayor.

MOTION

Approve/Deny the resolution on the City Sewage Facilities plan revision for Reading-Berks

Habitat for Humanity 1131-1135 Luzerne Street subdivision.

RESOLUTION NO. _____

RESOLUTION FOR SEWAGE MODULE REVIEW FOR NEW LAND DEVELOPMENT

RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY,
PENNSYLVANIA (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L.1535, known as the "Pennsylvania Sewage Facilities Act", as amended and the Rules and Regulations of the Pennsylvania Department of Environmental Resources adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, the Reading-Berks Habitat for Humanity has proposed the development and construction of the 1131-1135 Luzerne Street subdivision. This project is described in the attached Sewage Facilities Planning Module. It is proposed that this land development be served by sewer tap-ins.

WHEREAS, the City of Reading finds that the land development described in the attached Sewage Facilities Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Reading hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

PASSED COUNCIL _____ 2008

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

AGENDA MEMO

THOMAS M. MCMAHON, MAYOR
R. LEON CHURCHILL, JR., MANAGING DIRECTOR

TO:	City Council
FROM:	Thomas M. McMahon, Mayor
PREPARED BY:	Deborah A.S. Hoag, P.E.
MEETING DATE:	April 28, 2008
AGENDA MEMO DATE:	April 24, 2008
REQUESTED ACTION:	Act on Resolution for Sewage Plan Revision for Reading-Berks Habitat for Humanity's 1415 Montgomery Street Subdivision

RECOMMENDATION

The Administration recommends that Council approve this resolution for a sewage plan module as the proposed connection does comply with the allocations and other aspects of the provision of Chapter 94 of State Statutes.

BACKGROUND

The Pennsylvania code requires municipalities to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes. The code also provides for the revision of the plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management. Reading-Berks Habitat for Humanity proposes to construct two single family semi detached dwellings on a subdivided parcel in the odd side of the 1400 block of Montgomery Street. Based on the proposed use and standard flows for that use, an additional 800 gallons per day or 2 equivalent dwelling units are the anticipated wastewater demand in excess of the prior use.

The Administration has determined that the land development described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management. Upon review and approval by the City, the planning module will be sent to the Pennsylvania Department of Environmental Protection for final review.

BUDGETARY IMPACT

None

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

RECOMMENDED BY

Utilities Division Manager, Public Works Director, Managing Director, and Mayor.

MOTION

Approve/Deny the resolution on the City Sewage Facilities plan revision for Reading-Berks Habitat for Humanity 1415 Montgomery Street subdivision.

RESOLUTION NO. _____

RESOLUTION FOR SEWAGE MODULE REVIEW FOR NEW LAND DEVELOPMENT

RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY,
PENNSYLVANIA (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L.1535, known as the "Pennsylvania Sewage Facilities Act", as amended and the Rules and Regulations of the Pennsylvania Department of Environmental Resources adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, the Reading-Berks Habitat for Humanity has proposed the development and construction of the 1415 Montgomery Street subdivision. This project is described in the attached Sewage Facilities Planning Module. It is proposed that this land development be served by sewer tap-ins.

WHEREAS, the City of Reading finds that the land development described in the attached Sewage Facilities Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

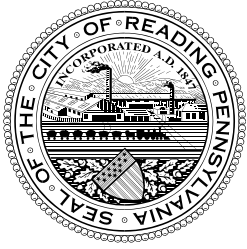
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Reading hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

PASSED COUNCIL _____ 2008

COUNCIL PRESIDENT

ATTEST:

CITY CLERK



AGENDA MEMO

TO: City Council
PREPARED BY: John Giardiello
MEETING DATE: April 24, 2008
AGENDA MEMO DATE: April 23, 2008
REQUESTED ACTION: Council approve a resolution directing Met-Ed Energy to install two company owned street light fixtures.

RECOMMENDATION:

The Administration recommends Council approve a resolution directing Met-Ed Energy to install and provide energy to 2 company owned street light fixture. The fixtures will be a 100 watt high pressure sodium vapor, installed at the following locations:

- Pole #51143-36869 in front of 240 Wunder Street
- Pole #51138-37857 in front of 1119 Spruce Street

BACKGROUND:

Requested by Traffic Planner.

BUDGETARY IMPACT:

The cost to supply energy to this fixtures is \$12.30/month/fixture.

PREVIOUS ACTION:

None

SUBSEQUENT ACTION:

None

RECOMMENDED BY:

Traffic Planner, Public Works Director, Managing Director and Mayor.

RECOMMENDED MOTION:

Approve the request to direct Met-Ed Energy to install two company owned street light fixtures.

CITY OF READING

RESOLUTION NO. _____

FOR ADDITIONAL STREET LIGHTS

WHEREAS, a contract was entered into by the City of Reading and Metropolitan Edison Company (hereinafter Met-Ed), whereby said Company shall furnish lighting; and

WHEREAS, it is necessary and proper that additional lighting should be installed and maintained for the service, accommodation, convenience and safety of the public;

NOW, THEREFORE, BE IT RESOLVED, that the City of Reading pursuant to the provisions and terms of the Company's applicable Rate Schedules and Riders, and the rules and regulations now on file and such rules and regulations, Rate Schedules and Riders hereafter filed from time to time and in effect with the Pennsylvania Public Utility Commission (hereinafter Tariff), do hereby order and direct Met-Ed to furnish additional lighting consisting of:

Provide energy and total maintenance to two (2) Company owned, 100-watt, high pressure sodium vapor, cobrahead streetlights to be installed on pole 51143-36869 in front of 240 Wunder St, and pole 51138-37857 in front of 1119 Spruce Street within the City.

Payment to be made to Metropolitan Edison Company for the additional lighting at the rates specified in the Tariff.

Resolution adopted the _____ day of _____, 2008.

By: _____
President of Council

Attest:

City Clerk

I, _____, City Clerk of the City of Reading, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the City at a meeting of said City duly called and held on the _____ day of _____, 2008.

Witness my hand and the seal of said City this _____ day of _____, 2008.

City Clerk

BILL NO. _____ 2008
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 6 CONDUCT BY CREATING A NEW PART 8 CANVASSING AND SOLICITATION, REQUIRING A PERMIT FOR CANVASSING AND SOLICITATION TO PROTECT THE SAFETY, HEALTH AND WELFARE OF THOSE WHO LIVE AND VISIT THE CITY OF READING.

Whereas, there is no absolute right under the United States Constitution to enter on the premises of another and police powers permit reasonable regulation for health and safety, and

Whereas, unlicensed solicitation and canvassing by unregistered solicitors and canvassers creates health and safety hazards for City residents and visitors and exposes residents and visitors to fraud; and

Whereas, the City of Reading City Council enacts this legislation to provide reasonable and fair regulation for solicitation and canvassing to protect residents and visitors against crime and undue annoyance.

NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 6 Conduct by creating a new Part 8 – Canvassing and Solicitation to protect the public safety, health and welfare of all in our community as attached in Exhibit A.

SECTION 2. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

Police Chief, Law Office & Council Staff)

EXHIBIT A

CHAPTER 6

PART 8 CANVASSING AND SOLICITATION

SECTION 6-801. PURPOSE

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, and general welfare by regulating solicitation and canvassing. The citizens and visitors to the City of Reading are subject to unregulated solicitation and canvassing by sometimes questionable people and organizations in a hazardous manner and in vulnerable locations such as their own residence. It is the purpose of this Ordinance to regulate solicitation and canvassing in the City of Reading to protect the public health, safety and welfare.

SECTION 6-802. DEFINITIONS

A. Definitions. The following words as used in this Ordinance shall have the following meanings:

1. *Applicant* shall mean the person or organization seeking a permit.
2. *Canvassing* shall mean the act of going from residence to residence throughout the City of Reading to solicit votes or orders; to conduct a survey (public opinion) or poll; or, to conduct an uninvited detailed discussion, whether on foot or by use of vehicle.
3. *Chief of Police* shall mean the Chief of the City of Reading Police Department or his designee.
4. *Solicitation* shall mean the act of going from residence to residence asking for donations of money; tickets for money and coupon books for money; or, selling items for money with or without the distribution by such Solicitor or Canvasser of literature, samples, free gifts or other materials within the City of Reading and whether on foot or by use of vehicle.
5. *Solicitation and Canvassing Period* shall mean a period not to exceed seven calendar days.
6. *Organizer* shall mean the person responsible for organizing the solicitation or canvassing activity and whose name shall be on the application.
7. *Permit* shall mean written authorization dispensed by the Chief of Police or his designee which allows the solicitation and canvassing activity and specifies the given solicitation and canvassing period.
8. *Recognized Youth Organization* shall mean a national, state or local youth group having specific structure, responsibilities and united for a particular purpose.
9. *Residence* shall mean and include every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

SECTION 6-803. PERMIT REQUIREMENTS

A. General. The City of Reading prohibits any person or organization from conducting solicitations and canvassing of residences without a permit. It shall be a violation of this

Ordinance to engage in solicitation and canvassing without a permit or otherwise not in accordance with the terms of this Ordinance and the permit requirement.

B. Permit Required. Every person, prior to engaging in activity as a Solicitor or Canvasser, whether acting on his or her own behalf, as principal, or as the employee or agent of another, shall apply for and obtain a permit as hereinafter provided:

1. **Application.** All requests for a permit must be provided to the Chief of Police or his designee at least ten (10) business days but no more than sixty (60) calendar days prior to the date of the requested activity. The Chief of Police or his designee shall issue a decision within three business days of the application being filed. The Chief of Police, for good cause shown, shall have the authority to consider any application under this section which is filed less than ten business days before the date such event is proposed to be conducted, provided the Chief of Police or his designee shall have adequate time to conduct the investigation. An application and permit shall be required for each solicitation and canvassing period.

2. **Required Information.** All applications for permits must include at a minimum the following information and shall be signed by the Organizer(s):

(1) Name(s). The name(s) of the person(s) making application for solicitation or canvassing within the City of Reading;

(2) Address. The permanent address and local address, if any, of each Organizer;

(3) Physical features of applicant(s) including height, weight, age, sex, race, and social security number of each for background check purposes;

(4) Photocopy of driver's license or other official photo identification of each Organizer;

(5) Description of the proposed solicitation or canvassing activity, and purpose for activity (i.e., use of funds);

(6) Specific location(s) for solicitation or canvassing activity, including specific houses targeted, and number of solicitors or canvassers at each such location;

(7) Dates and times of solicitation or canvassing activity;

(8) Names of all participants proposed to be solicitors or canvassers, and their ages. If any solicitors or canvassers are under 18, the names and addresses of adult supervisors; one adult supervisor per four solicitors or canvassers under age 18 is required;

(9) The application shall contain a statement that the submission of the application shall be considered to be consent by each Organizer for a background check to be run by the Chief of Police at his discretion on any person named on the

application and a statement that all information contained thereon is true and correct; and

(10) Any additional information the Chief of Police may find reasonably necessary for a fair determination as to whether the proposed event will endanger public health, safety or welfare.

C. Investigation. The Chief of Police or his designee shall review the application for completeness and compliance with the terms of this Ordinance. The Chief of Police shall check to see if there are any records of complaints against the applicant in the records of the Police Department or the NCIC crime database system. The Chief of Police may, at his discretion, conduct a background check of the Organizers. The Chief of Police may, at his discretion, make any other inquiries he deems necessary for the investigation of the applicant or the Organizers.

D. Decision. The Chief of Police may grant, deny, or grant a restricted permit. The Chief of Police shall issue a permit as provided in this Ordinance from a consideration of the application and from such information as may otherwise be obtained, unless he finds that any or all of the following apply:

1. The Applicant or any Organizers or participants have any criminal complaints pending against them, or have a criminal record involving crimes of theft, fraud, or other moral turpitude;
2. The Chief of Police has reason to believe that the request for the solicitation or canvassing activity is of a fraudulent nature;
3. The conduct of the solicitation or canvassing activity is contrary to the public's health, safety or general welfare; or
4. The application was not complete, or the application or permits requested are not fully in compliance with the requirements of this Ordinance.

The Chief of Police shall indicate on the application review form all reasons for rejection of the application.

E. Location and Times

1. Prohibited Times. No solicitation or canvassing shall be allowed before 9:00 a.m. or after 7:00 p.m. Sunday through Saturday.

2. Locations. Solicitation and Canvassing shall be permitted in all areas where residential use is permitted.

3. Duration. A solicitation or canvassing activity may last no longer than seven days. A separate permit shall be required for each additional solicitation and canvassing period.

F. Permit. The Chief of Police shall indicate on the permit the permitted activities, locations, and duration of the permit. The Chief of Police may approve a smaller or shorter duration than requested; may reduce the number of solicitors or canvassers; may approve a different location; or, may generally make any other adjustments he believes

necessary to the application to serve the public health, safety and welfare. The signed permit is to be kept on-site and in the possession of all Organizers at all times that solicitation or canvassing is underway. If multiple locations are involved, a permit copy shall be kept at each location by each Organizer. Permits shall be displayed at the request of any citizen or law enforcement personnel.

G. Non-Content Based Review. The content of the message of any applicant, their beliefs, the identification of the participants, or any other matter which does not directly impact on the public health, safety, and welfare, shall not be relevant to the determination of whether to grant or deny a permit.

H. Special Requirements.

(1) There shall be no physical contact by the solicitor or canvasser with anyone being solicited or canvassed without the person's consent. This shall be deemed to include not only physical force or restraint but also the act of placing objects on the person or clothing of the solicitee.

(2) Solicitors and canvassers shall not occupy a fixed location on any public sidewalk or street. There shall be no interference with or blocking of movement or any pedestrian or vehicle by any solicitor or canvasser.

(3) A solicitor or canvasser shall not be permitted to make or cause to be made any loud noise to attract attention or for any other purpose. Such noises may include, but shall not be limited to, shouting, use of loud speakers, horns, drums, musical instruments or other sound devices.

(4) A solicitor or canvasser who is conducting such activity on private property, which is not open to the public, shall immediately leave such premises on request of any lawful occupant thereof.

SECTION 6-804. RESPONSIBILITY FOR PAYMENT OF TAXES. It shall be the responsibility of every solicitor or canvasser given a permit under this Ordinance to pay to the City of Reading Tax Administration the proper taxes, including business privilege and income taxes, for himself or any employee on income earned as a result of the soliciting or canvassing.

SECTION 6-805. APPEALS

A. Appeals. Any person aggrieved by the denial or restriction of a permit shall have the right to appeal the denial or restriction to the City of Reading City Council. A written appeal shall be filed with the City Clerk within ten (10) days after the denial or restriction is received.

B. Procedure. The Chief of Police shall appear and present his case and evidence as to why the application was denied. The Applicant shall have the opportunity to present his

or her case and evidence in support of the application. The hearing shall be conducted as a evidentiary proceeding.

C. Standard of Review. City Council, keeping in mind the purpose of this Ordinance, the substantive provisions, and giving deference to the judgment of the Chief of Police, shall make a determination as to whether the denial or restriction was lawful and in the interests of the public health, safety and welfare, or whether the permit should be issued or modified. If the latter, City Council shall enter an order providing guidance as to the location, time, persons, and other criteria of this Ordinance. City Council shall render a decision within ten (10) days after the hearing.

SECTION 806.VIOLATIONS, ENFORCEMENT, PENALTIES

A. Revocation of Permit. The Chief of Police or his designee is hereby authorized to revoke a permit issued under this Ordinance under the following circumstances:

1. If the Organizer is convicted of a felony during the solicitation and canvassing period;
2. If the Chief of Police or his designee determines that the goods or items being sold or distributed are unsafe, harmful or misrepresented to the public;
3. If it is determined that the Organizer has given false information on the application;
4. If the Organizer fails to abide by any of the provisions of this Ordinance; or
5. If the Chief of Police becomes aware of illegal or unauthorized activity and the revocation of said permit is required in the best interests of public health, safety and welfare.

B. Persons soliciting without a permit or in violation of the permit shall be cited with a citation for prosecution in the Magistrate District Judges Court, in accordance with the requirements of law for such citations. All City of Reading Police Officers are authorized to issue such citations.

C. Any person, organization, business or entity in violation of the provisions of this Ordinance is subject to a fine of up to three hundred dollars (\$300.00) per day per violation per individual participant. The minimum fine shall be \$50.00 per day per violation per individual participant.

D. Any person, organization, business or entity found guilty of violating this Ordinance may not be issued a permit for a two-year period from the date of the violation. Upon second offense, the person, organization, business or entity found guilty of violating this Ordinance shall be banned from further solicitation or canvassing in the City of Reading.

E. The City Solicitor shall be authorized to seek injunctive relief and other relief in a court of competent jurisdiction if necessary to effectuate the intent of this Ordinance. The City of Reading shall be entitled to seek civil fines in the amounts specified above and shall be entitled to its attorney's fees for any successful action.

SECTION 6-807. EXEMPTIONS

This Chapter shall not apply to recognized youth organizations including school sponsored clubs; political candidates for public office, or their workers; solicitation of

donations by mail, either the solicitation of money or canvassing, as otherwise defined herein, from personal acquaintances of the person engaging in the activity, persons who solicit for or on behalf of religious organizations, or in pursuit of religious beliefs and activities. A permit is not required for any solicitation or canvassing activity sponsored or conducted by City of Reading or its departments and agencies, nor by any municipality or government agency in the City, such as fire-fighter or police department fundraisers or other similar collections.

SECTION 6-808. SEVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the remaining portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid.

SECTION 6-809 REPEALER

This Ordinance repeals any prior ordinance or resolution in conflict herewith, except to the extent that said ordinance or resolution is more restrictive than this Ordinance, in which case that ordinance or resolution shall control.

BILL NO. _____-2008
AN ORDINANCE

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING CHAPTER 1 – SECTION 1-186, 3, G BY ADDING A NEW (3) REQUIRING COUNCIL APPROVAL FOR ALL EXPENDITURES, TRANSFERS AND ALLOCATIONS FROM AND TO ANY AND ALL AGENCY FUNDS AND ANY AND ALL LINE-ITEMS LOCATED IN THE DEPARTMENTAL: NON DEPARTMENTAL AREA OF THE GENERAL FUND.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances of the City of Reading Chapter 1, Section 1-186, 3, G by adding a new (3) shown below:

3. Regulations Concerning Appropriations and Transfers.

A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.

B. The Director of Finance shall prepare and submit a monthly report to the Mayor, the Managing Director, and Council. This monthly report shall include all expenditures for each City Department, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer of funds within departments and between departments.

C. In order to allow flexibility in the administration of the City's business, departments may transfer money between line items within the department. A majority of Council, in response to any monthly report, may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's ability to manage and administer the budget.

D. Justification for transferring money between departments must be presented to and approved by Council. The procedures manual will stipulate the following:

- (1) Expenditure procedures.
- (2) Justification procedures for transferring money between line items.
- (3) Justification procedures for transferring money between departments.
- (4) Administration of petty cash funds.

E. *Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer of all monies including, but not limited to, transfers between departments, and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred. [Ord. 36-2000]

F. Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeds \$25,000. The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred at least 2 weeks before the transfer is required. [Ord. 36-2000]

G. Requiring City Council approval, via ordinance, for the following:

(1) Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.

(2) All expenditures not approved and listed in the operating or capital budgets for the fiscal year.

(3) All expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

BILL NO. _____

AN ORDINANCE

**AMENDING THE TOPOGRAPHICAL MAP OF THE CITY OF READING BY
ALLOWING THE WIDENING OF THE 200 BLOCK OF GRAPE STREET, CONSISTENT
WITH THE FINAL PLAN FOR "BARLEY SQUARE".**

WHEREAS, 53 P.S. §37916 requires an adoption of an Ordinance of council to vacate a street;

WHEREAS, the Tripoint has requested the widening of the 200 block of Grape Street, consistent with the final plan for Barley Square at their expense; and

WHEREAS, the City of Reading Planning Commission by Resolution No. 29-2008 adopted on April 8, 2008, recommended that the said alterations be approved; and

WHEREAS, the plan presented by Tripoint furthers the Land Use Policies 1.4, 2.3 and 10.2 of the City's Comprehensive Plan.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY
ORDAINS AS FOLLOWS:**

SECTION 1. That the City of Reading Topographical Map will be amended to allow the widening of the 200 block Grape Street, as herein attached in Exhibits A and B, consistent with the final plan for Barley Square and consistent with City Comprehensive Plan Land Use Policies 1.4, 2.3 and 10.2, at the sole expense of the developer, Tripoint.

SECTION 2. The Director of the Department of Public Works and/or the City Engineer is hereby authorized and directed to enter and record the above-described change in the Topographical Survey Book of Streets in the Department of Public Works. S/he is further directed to take all necessary steps to ensure proper signage of the aforesaid alterations to the 200 block of Grape Street.

SECTION 3. The City Solicitor is authorized and directed to take such further steps in court or elsewhere as may be necessary to carry out the provisions of this Ordinance.

SECTION 4. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed, insofar as they are inconsistent with this Ordinance.

SECTION 5. This Ordinance will become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2008

EXHIBIT A

Grape Street Widening
Barley Square
City of Reading, Berks County
April 15, 2008
MEA File # 07-150

DESCRIPTION:

ALL THAT CERTAIN parcel of ground, located on the south easterly corner of the intersection of South Second Street and Grape Street, and shown on a plan titled "Grape Street Widening", prepared by McCarthy Engineering Associates, P.C., dated April 15, 2008, plan number 07-150-P01, intended to be dedicated, situate in the City of Reading, County of Berks, and Commonwealth of Pennsylvania, and being more fully bounded and described as follows, to wit:

BEGINNING at a point of the intersection formed by the easterly building line of South Second Street and southerly building line of Grape Street, said point being the northwesterly most corner of the herein described tract;

THENCE from the Point of Beginning along the northerly property line of the tract at a bearing of North 89 degrees 56 minutes 39 seconds East, a distance of 480.07 feet to a point;

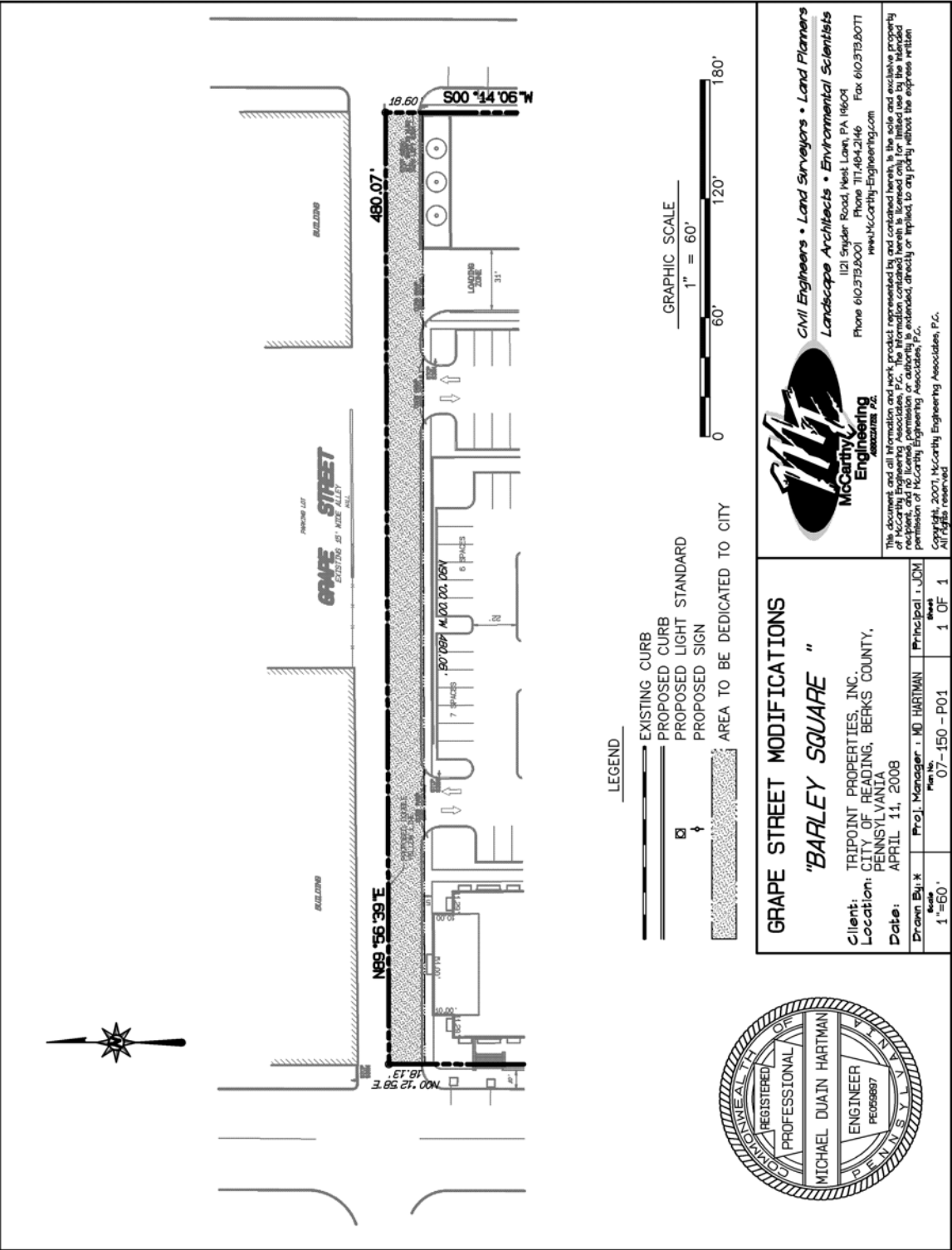
THENCE along the said easterly property line of the tract at a bearing of South 00 degrees 14 minutes 06 seconds West, a distance of 18.60 feet to a point;

THENCE along the said southerly property line of the tract at a bearing of North 90 degrees 00 minutes 00 seconds West, a distance of 480.60 feet to a point;

THENCE along the westerly property line of the tract at a bearing North 00 degrees 12 minutes 58 seconds West, a distance of 18.13 feet to the place of **BEGINNING**.

CONTAINING IN AREA: 8,921 square feet (0.205 acres) of land, more or less.

BEING PART OF the same property which GST Autoleather, Inc., a Delaware corporation, granted and conveyed unto 122 South 3rd Street Partners, L.P., a Pennsylvania limited partnership, by deed dated August 25, 2005 and recorded in Deed Book Volume 4721, page 709, Berks County Recorder of Deeds Office.



GRAPE STREET MODIFICATIONS

"BARLEY SQUARE"

Client: TRIPPOINT PROPERTIES, INC.
Location: CITY OF READING, BERKS COUNTY, PENNSYLVANIA
Date: APRIL 11, 2008

Drawn By: K	Proj. Manager: M	MO HARTMAN	Principal: JOM
Scale: 1"=60'	Sheet: 07-150-P01	1 OF 1	



Civil Engineers • Land Surveyors • Land Planners
Landscape Architects • Environmental Scientists
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www.McCarthy-Engineering.com

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BILL NO. _____ 2008
AN ORDINANCE

AN ORDINANCE PROVIDING A COST OF LIVING INCREASE TO THE FIRE PENSIONERS RETIRING BEFORE JANUARY 2000 & THEIR BENEFICIARIES.

SECTION 1. Providing a Cost of Living increase for Fire Pensioners retiring before January 2000 and their Beneficiaries, as approved at the March meeting of the Fire Pension Board. Increases will be provided as follows:

- Fire Pensioners retiring prior to January 1, 1980 and their beneficiaries shall receive a 13.16% pay increase
- Fire Pensioners retiring on or after January 1, 1980 but before December 31, 1984 & their beneficiaries shall receive a 9.08% pay increase
- Fire Pensioners retiring on or after January 1, 1985 but before December 31, 1989 & their beneficiaries shall receive a 7.17% pay increase
- Fire Pensioners retiring on or after January 1, 1990 but before December 31, 1994 & their beneficiaries shall receive a 4.97% pay increase
- Fire Pensioners retiring on or after January 1, 1995 but before December 31, 1999 & their beneficiaries shall receive a 1.99% pay increase
- Fire Pensioners retiring on or after January 1, 2000 & their beneficiaries shall receive a no pay increase.

SECTION 2. This amendment to the Fire Pension Benefit will be retroactive to January 1, 2008.

SECTION 3. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

(Fire Pension Board & Council Staff)

BILL NO. _____ 2008
AN ORDINANCE

**AN ORDINANCE AMENDING THE OFFICERS AND EMPLOYEES PENSION
ORDINANCE BY STRIKING ALL REFERENCES TO BENEFICIARIES.**

SECTION 1. Amending the Officers and Employees Pension Ordinance by striking all references to beneficiaries as follows:

- Officers and Employees Pensioners ~~& beneficiaries~~ retiring on or after January 1, 1995 but before January 1, 2002 shall receive a 2% pay increase
- Officers and Employees Pensioners ~~& beneficiaries~~ retiring on or after January 1, 1990 but before January 1, 1995 shall receive a 5% pay increase
- Officers and Employees Pensioners ~~& beneficiaries~~ retiring on or after January 1, 1985 but before January 1, 1990 shall receive a 7% pay increase
- Officers and Employees Pensioners ~~& beneficiaries~~ retiring on or after January 1, 1980 but before January 1, 1985 shall receive a 9% pay increase
- Officers and Employees Pensioners ~~& beneficiaries~~ retiring before January 1, 1980 shall receive a 13% pay increase

SECTION 2. This amendment to the Officers and Employees Pension Benefit will be retroactive to January 1, 2008.

SECTION 3. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

(Pension Administrator & Council Staff)

BILL NO.____2008
AN ORDINANCE

AN ORDINANCE AMENDING THE POLICE PENSION ORDINANCE BY
PROVIDING FOR A COST OF LIVING INCREASE TO POLICE PENSIONERS
BENEFICIARIES.

SECTION 1. Amending the Police Pension Ordinance by providing for a cost of living increase to the beneficiaries of Police Retirees receiving a police pension benefit as follows:

- Police Pensioners retiring prior to January 1, 1980 *and their beneficiaries* will receive a 13.16% increase;
- Police Pensioners retiring between 1/1/1980 and 12/31/1984 *and their beneficiaries* will receive a 9.08% increase;
- Police Pensioners retiring between 1/1/1985 12/31/1989 *and their beneficiaries* will receive a 7.17% increase;
- Police Pensioners retiring between 1/1/1990 and 12/31/1994 *and their beneficiaries* will receive a 4.97% increase;
- Police Pensioners retiring between 1/1/1995 and 12/31/1999 *and their beneficiaries* will receive a 1.99% increase; and
- Police Pensioners retiring between 1/1/2000 Present *and their beneficiaries* will receive a 0.00% increase.

SECTION 2. This amendment to the Police Pension Benefits will be retroactive to January 1, 2008.

SECTION 3. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council_____, 2008

President of Council

Attest:

City Clerk

B I L L N O. _____ 2008
A N O R D I N A N C E

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES
CHAPTER 21 – STREETS AND SIDEWALKS BY INCREASING FEES AND MAKING
CORRECTIONS.**

THEREFORE THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Code of Ordinances Chapter 21 Streets and Sidewalks by increasing fees and making corrections, as stated in Exhibit A attached.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

Attest:

City Clerk
(Public Works Engineering & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A
CHAPTER 21 STREETS & SIDEWALKS

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- §21-102. Levy of Assessments
- §21-103. Qualified Costs
- §21-104. Purpose for Levying an Assessment
- §21-105. Director of Public Works Report
- §21-106. Public Hearing
- §21-107. Assessment Ordinance
- §21-108. Cost Estimates
- §21-109. Lots Already Served
- §21-110. Corner Parcels
- §21-111. Double Frontage Parcels
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- §21-113. Appeal
- §21-114. Waivers of Notice and Hearing
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SNOW AND ICE REMOVAL

- §21-201. Definitions
- §21-202. Snow and Ice Removal from Sidewalks
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- §21-301. Curb Permit, Survey and Fees
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- §21-701. Purpose
- §21-702. Application
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PART 1

LEVYING SPECIAL ASSESSMENTS FOR PUBLIC WORKS PROJECTS

§21-101. Findings and Purpose.

1. **Findings.** The City of Reading has determined that there is a need for a funding mechanism to install and rehabilitate City streets, sidewalks, curbs, sewers, lights, water mains and alleys. A fair and equitable means to recover the costs of public works improvements by the City using its police powers to levy special assessments.
2. **Purpose.** It is declared to be the purpose of this Part to establish procedures and guidelines for levying special assessments against benefitted properties for the construction of public works improvements using the City's police powers as established by State law. (*Ord. 18-1998, 5/26/1998, §1*)

§21-102. Levy of Assessments.

Cost of installing or constructing any public work or improvement by the City may be charged under this Section in whole or in part to the property benefitted by such work or improvement and the Council may make an assessment against such benefitted property in the manner provided herein.
(*Ord. 18-1998, 5/26/1998, §1*)

§21-103. Qualified Costs.

1. Cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost, interest on bonds, a reasonable charge for services of administrative staff of the City and the cost of engineering and legal services and any other terms of direct or indirect costs which may be reasonably attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the City Council.
2. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property and for those representing an exercise of police power, the assessment shall be upon a reasonable basis as determined by City Council. (*Ord. 18-1998, 5/26/1998, §1*)

§21-104. Purpose for Levying an Assessment.

1. If the City determines that a proposed public works improvement must be performed for the health, safety and welfare of the public, the City shall have the power to levy special assessments to benefitted properties for the improvements and services provided. The City shall include the proposed project in the upcoming year's annual budget and

capital improvement plan. The City may not proceed with the project engineering until after the budget and capital improvement plan is approved by the Council.

2. The City may levy a special assessment for public works improvement if a simple majority of benefitted property owner's petition the City to perform a public improvement. This shall apply to streets, sidewalks, curbs, private alleys, street lights, water mains and sewers.

3. For an alley improvement project to be included in the next budget year, the request must be submitted to the City Clerk by July 1 prior to the budget year. The alley projects shall be prioritized with other City projects and will be the City's sole discretion to determine scheduling for such an improvement.

(*Ord. 18-1998, 5/26/1998, §1*)

§21-105. Director of Public Works Report.

The Director of Public Works report shall consist of the following:

A. A copy of the preliminary or final plans and specifications of the proposed work or improvement.

B. An estimate of the entire cost of the proposed work or improvement or the actual cost based on contracts awarded.

C. A report that itemizes the estimated special assessment levy for each benefitted property. (*Ord. 18-1998, 5/26/1998, §1*)

§21-106. Public Hearing.

1. The City shall hold a public hearing prior to taking action on an ordinance levying the special assessment. The Director of Public Works shall present the director of Public Works report to Council at the public hearing outlining all costs and applicable assessments.

2. Once the Director of Public Works has completed the Director of Public Works report and it is filed with the City Clerk, the Clerk shall set a hearing date. To give notice of the scheduled hearing, the Clerk shall publish in the official newspaper a notice that must contain:

A. A statement containing the nature of the proposed work or improvement.

B. A description of the general boundary lines of the proposed area to be assessed.

C. The time and place where the report can be inspected and cost.

D. The time and place at which interested parties, their agents or attorneys may appear to be heard concerning the proposed project.

3. Copy of the notice shall be mailed to every interested person whose post office address is known or can be ascertained with reasonable diligence at least 10 days prior to the hearing date. This includes all benefitted properties.

(*Ord. 18-1998, 5/26/1998, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-107. Assessment Ordinance.

1. After the hearing, Council may approve, disapprove or modify the Director of Public Works report. After all modifications are complete, Council will by ordinance approve the plans and specifications contained in the report and authorize the following:

A. A direction that the public work or improvement shall be performed and special assessments shall be levied as indicated in the report or as modified after the public hearing.

B. The number and terms of any installment payments allowed, including number of installments, interest rates and when payments are due.

C. Provisions for collection of the assessment and any penalties to be imposed for failure to timely pay the assessment for any installment.

D. A statement that all assessments or installments if permitted which are not paid by the date specified shall be extended on the tax role as a delinquent tax and collected in the same manner as delinquent real estate taxes.

E. Terms and conditions of any allowed deferral of any assessment while no use are made of the improvement being financed thereby.

2. The ordinance shall be published in the official City newspaper and mailed to each affected person whose address is known or can be ascertained with reasonable diligence.

(*Ord. 18-1998, 5/26/1998, §1*)

§21-108. Cost Estimates.

1. The Director of Public Works will determine the special assessment for each benefiting property. Costs shall be determined either by Engineer's estimate or by receiving actual bids depending on the situation. The actual assessment levy by final ordinance of the Council shall establish maximum assessment amounts to each individual property. If actual construction costs are less, the actual assessment may be less.

2. The actual cost of any project after completion or after receipt of bids is found to vary materially from the Engineer's estimates, the Council may reopen the special assessment.

3. When an assessment is to be reopened, notice similar to the original notice must be given and a public hearing conducted. After the hearing, the Council must pass an ordinance amending, confirming or canceling the prior assessment. The ordinance must be advertised once in official City newspaper and mailed to all interested persons in the same manner as the original final ordinance.

(*Ord. 18-1998, 5/26/1998, §1; as amended by Ord. 14-2001, 5/29/2001*))

§21-109. Lots Already Served.

A parcel of lots which has been levied a special assessment for a similar public works improvement upon which it abuts, shall be entitled to an exemption for levying of a special assessment. Council may allow such an exemption from special assessment if it has been previously installed and services the property.

(*Ord. 18-1998, 5/26/1998, §1*)

§21-110. Corner Parcels.

1. For street improvement projects, when the special assessment are determined on a front foot basis and a corner parcel abuts the improvement, the assessment against the parcel shall be determined by applying a full per foot assessment rate along the abutting side.

When the improvement is installed abutting both the long frontage side and the short frontage side of the corner parcel, the assessment shall be determined by multiplying the full per foot assessment rate times the sum of the frontage of the short side plus the frontage of the long side less a deduction equal to 50 times the full per foot assessment.

2. For storm sewers, sanitary sewers and water mains, if a corner property abuts the improvement, but it cannot be connected to the main, then the property should be exempt from paying assessment. If the property will benefit from the improvement, then they shall pay an assessment, even if the property has been or will be assessed for as similar improvement on the other frontage.

(Ord. 18-1998, 5/26/1998, §1)

§21-111. Double Frontage Parcels.

1. When a special assessments are determined on a front foot basis and an improvement is installed along a frontage of a parcel which runs through an entire block and has frontage on two different streets or public rights-of-way and the Council, after investigation and report by the Director of Community Development, determines that under the provisions of the Zoning Ordinance [Chapter 27] it is possible to divide the parcel into two parcels on fronting on each street, the parcels shall be subject to an assessment for each frontage when the improvement abutting the frontage is installed. In such cases, the second assessment against such parcels shall be determined and treated as separate assessments.

2. If such parcel cannot be divided to create two parcels there shall be no assessment for the same benefit for the same type of improvement installed abutting the second frontage. *(Ord. 18-1998, 5/26/1998, §1)*

§21-112. Private Alleys.

1. Alley improvements may involve the removal and replacement of the roadway surface, improvement of drainage facilities and storm sewer, and the removal of trees and brush located within the easement area.

2. After the improvement is completed and the assessment is levied, adjacent homeowners shall continue to be responsible for care and maintenance of the improvement. *(Ord. 18-1998, 5/26/1998, §1)*

§21-113. Appeal.

Any person against where land is a special assessment is levied under this Section may appeal in a manner pursuant to 53 P.S. §1722.

(Ord. 18-1998, 5/26/1998, §1)

§21-114. Waivers of Notice and Hearing.

The Council may, without notice or hearing, levy and assess the whole or any part of the cost of any public works improvement as a special assessment upon the property benefited whenever notice and hearing is waived in writing by all property owners affected by such a special assessment.

(Ord. 18-1998, 5/26/1998, §1)

§21-115. Definitions.

As used in this Part, certain terms are defined as followed:

ASSESSMENT LEVY - an action by City Council ordinance to establish assessments for benefitted properties and ordering the City to collect such assessments.

DIRECTOR OF PUBLIC WORKS - a professional engineer, registered in the State of Pennsylvania, who has been appointed as the Director of Public Works or the Director of Public Works authorized representative.

FRONT FOOT ASSESSMENT - the length of a parcel of land abutting an improvement usually measured in feet or meters.

PRIVATE ALLEYS - a right-of-way legally described by an easement for the purpose of property access in the delivery of services. The property with which the easement is overlaid is owned and maintained by the adjacent property owners.

PUBLIC WORKS IMPROVEMENT - typical improvements projects for which special assessments are levied include:

- (1) Street and alley construction.
- (2) Curb and gutter installation.
- (3) Sidewalk construction.
- (4) Sanitary sewer installation.
- (5) Storm sewer installation.
- (6) Water main installation.
- (7) Street lights.

SPECIAL ASSESSMENT - charges levied by local government against real property to defray the cost of public works improvements which benefit such property.

(*Ord. 18-1998, 5/26/1998, §1; as amended by Ord. 14-2001, 5/29/2001*)

1Sidewalk Construction and Repairs - see Third Class City Code §3001 *et seq.*, 53 P.S. §38001 *et seq.*)

PART 2

SNOW AND ICE REMOVAL

§21-201. Definitions.

Except as herein otherwise defined, the terms used shall have the meanings ascribed to them in the Pennsylvania Vehicle Code. For the purpose of this Part, the following definitions shall prevail:

BUSINESS DAY - any day not a Sunday or Christmas, Thanksgiving or New Year, but all other holidays shall be considered business days.

BUSINESS HOURS - the hours between 7 a.m. and 9 p.m. on any business day.

DIRECTOR - the Director of Public Works.

PERSON - includes any person, partnership, copartnership, corporation, joint stock company, syndicate, tenant, property owner, real and personal, occupant, lessee or agent in control of any building.

ROADWAY - that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm shoulder.

SIDEWALK - that portion of a street or highway between the curb lines and the adjacent property lines or where there is no curbing between the lateral lines of the street or highway and the adjacent property lines.

STREET or HIGHWAY - the entire width between curbs or boundary lines of every way publicly maintained when any part hereof is open to the use of the public for the vehicular travel. (*Ord. 10-2004, 3/8/2004, §1*)

§21-202. Snow and Ice Removal from Sidewalks.

1. Every person in charge or control of any building or lot of land within the City fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path of at least 36 inches in width and from an area within 36 inches of every fire hydrant on every sidewalk which is in front of or abuts on such building or lot of land; provided, however, that when such sidewalk is located along Penn Street or along North Fifth, North Sixth and North Ninth Streets between Penn Street and Washington Street, snow and ice shall be cleared from all of such sidewalks.

A. Except as provided in subsection .2 hereof, snow and ice shall be so removed from sidewalks in all business districts within the City by 2 business hours after the cessation of any fall of snow, sleet or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter.

B. Except as provided in subsection .2 hereof, snow and ice shall be so removed from all other sidewalks within the City on the same day of the cessation of any fall of snow, sleet or freezing rain or within the first 4 hours of daylight after the cessation of any such fall, whichever period is longer.

2. However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection .1 hereof, cause enough cinder or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path in such sidewalk of at least 36 inches in width to be thoroughly cleaned. (*Ord. 10-2004, 3/8/2004, §1*)

§21-203. Snow and Ice Removal from Public Transportation Systems.

Every person operating a public transportation system within the City employing motor buses, trackless trolleys, trains or street cars, shall remove and clear away, or cause to be removed and cleared away, snow and ice from its passenger loading and unloading areas and its tracks, if any. Snow and ice from its passenger loading and unloading areas shall be removed and cleared away within the first 8 hours of daylight after the cessation of any fall of snow, sleet

or freezing rain, except that if the snow and ice has become so hard that it cannot be removed without the likelihood of damage to the underlying surface, such operator shall within the 8 hour period, cause enough sand or other abrasive to be put on the passenger loading and unloading area to make walking thereon reasonably safe. He shall then, as soon thereafter as weather permits, cause such area to be thoroughly cleaned. (*Ord. 10-2004, 3/8/2004, §1*)

§21-204. Snow and Ice Removal from Roofs.

Every person in charge or control of any building or other structure within the City, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on such building or other structure which is liable to fall on any sidewalk, roadway or other public way. Such work shall be completed within a reasonable time, but not later than the end of the first 6 hours of daylight

after the cessation of any fall of snow, sleet or freezing rain.

(*Ord. 10-2004, 3/8/2004, §1*)

§21-205. Depositing of Snow and Ice Restricted.

No person shall deposit or cause to be deposited any snow or ice on or against a fire hydrant or on any sidewalk or roadway, or on any loading or unloading area of a public transportation system, except that snow and ice may be windrowed on public roadways, incident to the cleaning thereof or windrowed on curbs incident to the cleaning of sidewalks. (*Ord. 10-2004, 3/8/2004, §1*)

§21-206. Noncompliance; Work by City; Cost Recovery.

1. In the event of the failure of any person to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk, as herein provided, or cause this to be done, the Director may as soon as practicable after such failure, cause such work to be done.
2. The Director shall ascertain and keep a record of the exact cost of all work he causes to be done in accordance with this Section on account of each act or omission of each person, and he shall identify these persons with particularity.
3. Each person whose act or omission makes it necessary that the Director cause work to be done in accordance with this Section shall be liable to the City for the cost of such work plus any additional amount or penalty allowed by law which may be in addition to any fine or penalty imposed under §21-207. It shall be the duty of the City Solicitor to sue for these costs and penalties or place a lien against such person or property as may be in the best interests of the City.

(*Ord. 10-2004, 3/8/2004, §1*)

§21-207. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. (*Ord. 10-2004, 3/8/2004, §1*)

PART 3

CURB, DRIVEWAY, SIDEWALK AND SIDEWALK VAULT STANDARDS AND FEES

§21-301. Curb Permit, Survey and Fees.

1. **Curb Permit Required.** No person, firm or corporation shall set, reset or construct any curb until an application made on City standard form shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a permit issued, the required regulation (survey) completed and the following fees paid.

2. Fees for Curb Line Regulation (Survey).

Feet Fee

0 to 24	\$50 <u>\$120</u>
25 to 49	\$80 <u>\$135</u>
50 to 99	\$100 <u>\$150</u>
100 to No Limit	\$100 <u>\$150</u> for 100 feet plus \$0.50 <u>\$1.40</u> a foot for every foot over 100 feet.

~~Second, Third and Fourth
Side
Repeat Rate~~

The above charges include the establishment of curbing alignment and elevation.
(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-302. Street Restoration Fees; Waiver Ahead of Paving.

1. **Street Restoration Fees.** Along with, and in addition to, the regulation (survey) charge, the applicant shall pay a fee of ~~\$3~~ **\$16** for each linear foot of curb proposed to be constructed or reconstructed as payment for street surface repair. Where both curb and a 2 feet wide gutter are being replaced with standard curb, the fee shall be ~~\$6~~ **\$32** per linear foot. Damage to the street surface extending more than ~~9-inches~~ **1foot** into the cartway for standard curb construction, or 2 feet for curb and gutter replacement shall be billed to the permittee on the basis of time and material required.

2. **Restoration Fee Waiver Ahead of Paving.** Where a street is scheduled for resurfacing or reconstruction in the current calendar year, the City may allow the contractor to backfill the trench to the street surface, including the application of 2 inches of compacted bituminous stockpile mix cover, and maintain it until the City operation begins, in lieu of payment of the restoration fee. To be eligible for the ahead of paving allowance, the contractor shall complete all work and remove all forms and equipment prior to the beginning of street resurfacing or reconstruction. Failure to properly maintain the trench or remove all forms and equipment as required shall be cause for the City filing streets restoration charges and/or other damages against the permittee/contractor as appropriate. Permits issued to include the ahead of paving allowance will be so marked.
(Ord. 30-1992, 4/8/1992)

§21-303. Curb Construction Requirements.

1. When excavating for curb construction or replacement, the permittee shall first cut a neat and straight line in the asphalt street paving, parallel to the curb line, with a saw or jack hammer. After excavating and constructing the curb, he shall immediately backfill the trench on the street side with 2A modified stone compacted in six inch layers to within 6 inches of the street surface. The trench on the property side shall also be backfilled immediately after construction but brought to grade and compacted with material similar to that removed. The permittee shall then notify the City Department of Public Works (~~telephone number 320-6237~~) (telephone number 610-655-6274) requesting inspection, and barricade the curb cut, including proper lighting, until the City restores the street asphalt surface.
2. When replacing curb constructed as monolithic curb and gutter, the contractor shall remove all curb and gutter encountered and backfill the street as described above.
3. Where the contractor encounters and damages the concrete base of a street when excavating for curb or curb and gutter construction, he shall re-establish the concrete base and/or make other repairs as directed by the Director of Public Works. (*Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001*)

§21-304. Building Line Survey Permit and Fees.

1. **Building Line Surveys.** No person, firm or corporation shall erect any building, structure or fence on the building line of any street on the topographical survey of the City until an application made on City standard form shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a permit issued, a building line survey completed and the following fees have been paid.

2. Fees for Building Line Survey.

First Side: Feet Fee

0 to 24 <u>49</u>	\$50 <u>\$75</u>
25 to 49	\$ 80 (Remove)
50 to 99	\$ 100
100 to no limit	\$100 plus \$0.50 <u>\$1.00</u> a foot for every foot over 100 feet.

Second, third or fourth sides

Repeat rates

The above charges include the establishment of building line and building line elevation.
Note: The City does not establish or confirm property lines between parcels of privately owned real estate.

(*Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001*)

§21-305. Driveway Permit and Fees.

1. **Driveway Permit.** No person, firm or corporation shall construct or reconstruct any driveway until an application made on City standard form accompanied by three copies

of a detailed construction plan shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a permit issued and the following fees paid.

2. Fees for Driveway Permits.

A. Fees.

(1) Residential use to 24 feet wide \$ 100.

(2) Commercial/Industrial use to 36 feet wide \$ 200.

(3) Note: Where driveways span a property line and are intended for the joint use of two abutting properties, the permit fee of \$100 shall be charged to each of the users.

B. Reconstruction of Driveways.

(1) Reconstruction of an existing driveway no previous permits \$ 50.

(2) Reconstruction of an existing driveway previous permit on file ~~\$5~~ \$50

(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-306. Sidewalk Vault Permit, Liability Agreement and Fee.

1. Vaults Under Sidewalks; Permit and Liability Agreement. No person, firm or corporation shall construct any vault, areaway, basement stairs or other structure under the sidewalk area until an application made on City standard form accompanied by two sets of construction plans shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a liability agreement executed, a permit issued and the following fee paid:

A. Fee for each vault, areaway, basement stairs or structure \$200.

2. Plans required to accompany applications shall include all dimensions and particulars of construction along with an analysis signed and sealed by a registered professional engineer, licensed in the State of Pennsylvania, confirming the bearing capacity and structural soundness of the sidewalk over the vault, areaway, basement stairs or other structure.

3. The applicant is also required to enter into an agreement with the City, as prepared by the City Solicitor, acknowledging the duties and responsibilities of the permittee. The cost of recording such agreement to be paid by the permittee.

(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-307. Constructing, Repairing or Opening Sidewalks.

1. No person, firm or corporation shall construct, repair or open any sidewalk until an application made on City standard form shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a permit issued and the following fee has been paid:

A. ~~Fee for repairing or opening and repairing sidewalk \$ 5~~ for reconstructing existing or constructing new sidewalk \$35

~~B. Fee for constructing sidewalk \$10. (Remove)~~

2. Where in the opinion of the Director of Public Works, the existing curb does not provide adequate control to define the horizontal location or elevation of the proposed sidewalk, or on property where there is no curb available to define sidewalk

construction, the applicant shall also be required to obtain a curb regulation as described in this Part.

3. Special attention is called to the Section of the Act of Assembly of May 14, 1909, adopted and confirmed here, which provides as follows:

"All buildings shall be provided with proper metallic leaders for conducting water from the roofs in such manner as shall protect the walls and foundations of such building from injury. In no case shall the water from such leaders be allowed to flow upon the sidewalks, but the same shall be conducted by pipe or pipes to the storm sewer. If there is no sewer in the street upon which such building fronts, then the water from such leaders shall be conducted, by proper pipe or pipes, below the surface of the sidewalk to the street gutter."

4. The construction and installation of all rain leaders or stormwater piping shall also comply with all requirements of the City Plumbing Code [Chapter 5, Part 2].
(*Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001*)

§21-308. Excavations.

1. Pennsylvania Law Act No. 172, effective June 10, 1987, 73 P.S. §176 *et seq.* places safety responsibilities on contractors when they excavate, demolish or blast. The City requires that its permittee's comply with this Act as a condition of issuance of its permits.

2. All work shall be conducted so as not to interfere with the water mains, sewers or their connection with houses until permission from the proper authority shall have been obtained.

3. During construction, excavated material shall be so confined so as not to impede traffic or be carried into any adjacent highways and all surplus materials must be removed at the earliest possible time. (*Ord. 30-1992, 4/8/1992*)

§21-309. Time Limit and Extension Request.

1. In case the work has not been completed before the date of expiration shown on the permit, the Director of Public Works may, arrange to complete the work and charge the cost thereof against the permittee. If an extension of time is requested for the completion of the work, written application for an extension of time must be filed and if an extension is granted, an additional fee of \$10 shall be charged therefore.

2. The Director of Public Works reserves the right to refuse the issuance of permits from November 1 to April 1, unless directed by Council to grant such permits. (*Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001*)

§21-310. Notice of Sidewalk Opening to Department of Public Works.

1. The ~~Director of (Remove)~~Public Works Office (~~telephone number 320-6237~~) (telephone number 610-655-6073) shall be notified when an opening in the sidewalk is to be made, and shall be further notified when the opening is to be backfilled and completed so that proper orders may be issued for the inspection thereof.

2. The opening shall be properly barricaded, lighted and protected by the permittee, who shall be liable for any injury or damage resulting from his negligence.

3. In case of emergency, the Director of Public Works Office shall be notified and work commenced immediately. The owner or responsible party shall file the necessary permit application with the Department of Public Works Permit Office (Room 306, City Hall) within 48 hours of beginning work.

(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-311. Work to Conform to City Requirements and Standards.

Work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the City. If at any time it shall be found by the City that the work is not being done or has not been done as required, the permittee shall immediately take the necessary steps, at his own expense, to place the work in condition to conform to such requirements or standards. In case any dispute arises between the

permittee and the City Inspector, the City Inspector shall have the authority to suspend work until the question at issue can be referred to and be decided by the Director of Public Works.

(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-312. Adoption of Construction Plan Standards.

1. The following City plans including all drawing and written specifications contained thereon are hereby adopted as City construction standards for the items described.

2. The City reserves the right to require that construction on public or private sidewalks within the City conform to these standards.

Description Plan Number

Plan of drive-in across Sidewalk	5371
12 inch trench drain	5371A
Side outlet area drain	5371B
8 inch tangent and circular cement concrete curb	5389A
Cement concrete sidewalk	5389C
Construct or reset granite curb	5389G
Construct or reset brick Sidewalk	5389H
Pedestrian curb ramp	5442A
Pedestrian curb ramp	5442B

(Ord. 30-1992, 4/8/1992)

§21-313. Penalty Costs.

Any person, firm or corporation who breaks or cuts in any manner the surface of any sidewalk, removes curbing and/or sidewalk or does construction between the building and curb line of any street in the City without having first obtained the proper permit, or who violates any of the requirements of this Part, shall upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days . Each day in which a violation shall occur or continue may

be deemed a separate offense. In addition to the penalties provided herein, the City may recover attorney's fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated this Part or the orders, rules, regulations and permits issued hereunder.

(*Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001*)

2Power to Regulate and License - see Third Class City Code §2650, 53 P.S. §37650.

PART 4

COMMERCIAL DRIVEWAYS

§21-401. Definitions.

As used in this Part, certain terms are defined as follows:

COMMERCIAL PARKING LOT - sometimes referred to hereinafter as an "off-street parking facility" means an area of vacant land set aside or used for off-street parking of automobiles or other vehicles on any time basis for which a fee is charged by the owner or operator to the users of such facility.

OWNER - the owner of the land on which the off-street parking facility is located. [*Ord. 41-1969*]

OPERATOR - such person, firm, corporation, partnership or any business or other entity whether as lessee or owner who lets or rents an off-street parking facility on a time basis and for a fee. [*Ord. 41-1969*]

PERMANENT USE - any use as a commercial parking lot for more than 1 year

TEMPORARY USE - any use as a commercial parking lot for 1 year or less.

(*Ord. 11-1968, 2/28/1968, §1; as amended by Ord. 41-1969, 8/20/1969, §1*)

§21-402. Paving, Grading and Drainage Regulations.

1. All permanent commercial parking lots shall be paved with concrete or bituminous surface course or other hard surface in accordance with plans to be approved by the Director of Public Works so as to prevent dust and dirt to the greatest possible extent.

2. All temporary commercial parking lots shall be paved with crushed stone, slag or other semi-permanent surface of a similar nature in accordance with plans to be approved by the Director of Public Works.

3. All commercial parking lots shall be so graded and provided with such drains or gutters as shall prevent the accumulation and retention of surface water thereon, and such drains or gutters shall be installed in accordance with plans to be approved by the Plumbing Inspector.

(*Ord. 11-1968, 2/28/1968, §2; as amended by Ord. 14-2001, 5/29/2001*)

§21-403. License Required; Application and Fee.

1. On or after the effective date of this Part, all commercial parking lots shall be required to be licensed by the City, except any commercial parking lot owned and operated by the City. The annual fee for such license shall be \$5 per space with a \$25 minimum fee.

Licenses shall be obtained at the office of the Building Inspector. [*Ord. 41-1999*]

2. There shall be two categories of licenses for commercial parking lots; permanent and temporary, in accordance with the character of the off-street parking facility. No license for a permanent commercial parking lot shall be granted unless the provisions of §21-402(1) and (3) have been complied with. No license for a temporary commercial parking lot shall be granted unless the provisions of §21-402(2) and (3) have been complied with. Temporary licenses shall not be renewable unless the owner or operator can show that the denial thereof would create an unnecessary economic hardship.

3. All applications for licenses shall be addressed to the Building Inspector; shall state the nature of the license sought; shall contain the location of the off-street parking facility, the approximate area thereof, the number of automobiles or other vehicles that can be parked or accommodated; and the nature and kind of surfacing on the premises.

(*Ord. 11-1968, 2/28/1968, §3; as amended by Ord. 144-1990, 10/17/1990, §1; and by Ord. 41-1999, 12/27/1999, §1*)

§21-404. Violation.

1. Any person who operates, or any owner or lessee of land, whether it be an individual, partnership or corporation, who permits land owned or leased by it to be operated as a commercial parking lot, within the definition of this Part, without first having obtained the license required under §21-403 shall be deemed guilty of a violation of this Part.

2. Each day of such continued operation without such license shall be deemed and regarded as a separate and distinct violation of this Part.

(*Ord. 11-1968, 2/28/1968, §4*)

§21-405. Penalty.

Whoever operates a commercial parking lot, without first having obtained a license, as provided in this Part, on or after March 1, 1968, and whoever violates or fails to comply with the provisions of this Part shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, shall be imprisoned for not more than 30 days.

(*Ord. 11-1968, 2/28/1968, §5; as amended by Ord. 14-2001, 5/29/2001*)

3Power to Regulate Projections and Encroachments - see Third Class City Code, §2403, 53 P.S. §37403(17).

Power to Require Sidewalk Construction and Repair - see Third Class City Code, §3001, 53 P.S. §38001.

City to Construct on Failure on Owner - see Third Class City Code §3002 *et seq.*, 53 P.S. §38002 *et seq.*

Emergency Repairs - see Third Class City Code, §3003 *et seq.* 53 P.S. §38003 *et seq.*

PART 5

SIDEWALKS AND CURBS

§21-501. Permit Required for Curb and Sidewalk Work.

No person, firm or corporation shall set any curbing, set any building, open any sidewalk, lay new sidewalk or relay old sidewalk or construct any vault under a

sidewalk, until a permit has been obtained from the Director of the Department of Public Works. The Director is authorized and directed to establish such rules and regulations, as he deems necessary, for the proper control of the operations permitted relative to the issuance of such permit, subject to the approval of Council. (*Ord. 42a*, 2/11/1914, §1; as amended by *Ord. 14-2001*, 5/29/2001)

§21-502. Permit Application.

Any applicant for a curb and sidewalk work permit shall first make written application to the Director of Public Works for a permit, setting forth the location where such work is desired and the purpose thereof.

(*Ord. 42a*, 2/11/1914, §3; as amended by *Ord. 14-2001*, 5/29/2001)

§21-503. Sidewalk Widths for Public Streets.

When any street or alley which now or hereafter is laid out, opened and dedicated to the public use, according to law in the City, it shall be the duty of the owners of lots or real estate abutting thereon, and they are hereby required upon notice from the Director of Public Works to construct sidewalks on each side of such street or alley, at their own expense, for the safety and convenience of the public, of the following width:

Street Name or Width (Ft.)	Sidewalk Width (Ft.)
Penn St. from Fourth to Sixth Sts.	22
80	16
60	13
50	10
40	8
30	6.5
20	2

The roadway of every street or alley shall remain as a passage way for vehicles and shall have a gutter on each side thereof. However, on front of vacant lots, a sidewalk of a width of 5 feet shall be deemed sufficient, which sidewalk shall be laid 2 feet from the curb line. (*Ord. 25-1889*, 6/28/1889, §1; as amended by *Ord. 14-2001*, 5/29/2001)

§21-504. Specifications for Paving Sidewalks and for Curbing.

Sidewalks shall be constructed and laid either with cement, bricks or dressed flat stones, and shall be secured with curbstones along the outside thereof, in manner as hereinafter prescribed, and according to the regulations of the City, sidewalks shall have a pitch of 3/8 of an inch to the foot, from the front line of the house or lot to the curb, and the cement bricks or flatstone used for laying or paving any sidewalk shall not be less than 2 inches in thickness. The flatstone shall be square blocks with an even surface on the top and closely joined to the curbs and to

each other. The curbstones required to support such sidewalks shall be cut granite, sand, blue or limestones, and shall not be less than 20 inches in width, with an even bottom. Each stone shall be not less than 3 feet 6 inches in length, and the thickness thereof shall be not less than 4 inches. In streets of a width of 20 feet and less, curbstones 16 inches in

width and 3 inches in thickness may be used. Sidewalks shall be laid in good sand of not less than 8 inches in depth and shall be excavated and filled with cinder to a depth sufficient to protect the same

from frost. In all cases where the street pavement is constructed and composed of the following improved street pavements: granite block, asphalt block, sheet asphalt and vitrified brick, the curbing used in and along all of such properties abutting on such improved pavements shall consist of granite curbing of not less than 5 inches, 20 inches in depth and 4 feet in length. The curbing shall be properly faced and jointed, set in a firm bed of not less than 6 inches of sand,

gravel or such material as the Director of Public Works shall approve and backed up to the top of the stone by not less than 4 inches of the same material, except that the use of concrete is permitted in lieu of granite for the construction of curbs set to the lines of circular arcs for the rounding of street intersections as provided by §21-513(1). (*Ord. 23-1954, 4/28/1954, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-505. Notice to Recurb and Relay Sidewalks.

It shall be the duty of the owners of lots or real estate abutting any street or alley to recurb, repave or relay the sidewalks whenever authorized by Council and when required upon notice from the Director of Public Works.

(*Ord. 25-1889, 6/28/1889, §3; as amended by Ord. 14-2001, 5/29/2001*)

§21-506. Sidewalks for Dedicated Streets.

When any street which now or hereafter is opened in the City over any private land by the owners thereof, and is dedicated to or permitted to be used by the public, it shall be the duty of the owners of lots or real estate abutting thereon, and they are hereby required upon notice to construct and maintain sidewalks on each side of such street at their own expense, in such manner as is prescribed for sidewalks upon the public streets by §21-503 under the supervision and direction of the Director of Public Works.

(*Ord. 25-1889, 6/28/1889, §4; as amended by Ord. 14-2001, 5/29/1001*)

§21-507. Paving and Repair of Driveways Required.

When any driveway crosses the sidewalk of any street or alley, within the City, for the purpose of passing to and from such street or alley to any lot or building, it shall be the duty, and it is hereby required, upon notice from the Director of Public Works that the owners of lots abutting or adjoining such street shall pave and curb the same, at their own expense, in such manner as the Director shall require, and keep the same in repair.

(*Ord. 25-1889, 6/28/1889, §5; as amended by Ord. 14-2001, 5/29/2001*)

§21-508. Duty of Owner to Construct and Repair at Own Expense.

Owners of property abutting on any public street shall, at their own expense, construct, pave, curb, repave and recurb the sidewalks and keep the same in good repair along such property. (*Ord. 37-1914, 6/24/1914, §1*)

§21-509. Work by City for Failure to Comply with Notice.

Upon failure of any owners to construct, pave, curb, repave or recurb sidewalks or keep the same in good repair within 10 days after written notice by the Director of the Department of Public Works the works shall be done forthwith by the City of Reading, and the expense thereof, with costs, shall be levied and collected from such owners according to law.

(*Ord. 37-1914, 6/24/1914, §2; as amended by Ord. 14-2001, 5/29/2001*)

§21-510. Cost Collection by Action at Law or Filing Lien.

The amount of expense so levied shall be a lien upon such premises from the time of the commencement of the work by the City. Such date shall be fixed by the Director of Public Works and filed with the City Clerk, and may be collected by action at law or a lien may be filed and proceeded in according to law.

(*Ord. 37-1914, 6/24/1914, §3; as amended by Ord. 14-2001, 5/29/2001*)

§21-511. Concrete Curb Specifications.

Concrete curbing shall be permitted to be constructed along the sidewalks of the City and the material used in such construction shall be as follows:

A. Excavations shall first be made to a depth not less than 2 feet 6 inches from the top of the finished curb and in width not less than 1 ¼ times the width of the curb on the top surface thereof, when finished.

B. The materials thereof, which shall be of a quality satisfactory to the Director of Public Works and the Director of the Department of Public Works, shall consist of American Portland cement, clean sharp sand, and crushed stone or slag which shall be hard, clean and free from dust or earth, run of the crusher, not exceeding 1 inch in its largest dimension.

C. The proportions of mixture for concrete shall not be less than one part of cement, three parts of sand and five parts of crushed stone or hard slag and for mortar for the finishing coat, not less than one part of cement and no more than two parts of sand.

D. The mixing, if done by hand labor, shall consist of first mixing the cement and sand dry until a uniform color of mixture is secured, after which the crusher stone shall be added, then wetted and turned over until every particle is thoroughly coated with mortar. Sufficient water shall be used, so that only moderate tamping is required after the concrete is placed, if done by machine the method shall be approved by the Director of Public Works .

E. The mortar for the surface or finishing coat shall be applied with the concrete itself by exercising care in placing the concrete against the forms employed so as to push back the larger particles in the mixture by use of a wide pronged fork, and by tamping the large particles down gently below the top surface. Any small quantity of mortar that may be required for the finishing, shall be applied while the concrete is wet and only enough to smooth the surface.

(*Ord. 48a, 2/25/1914, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-512. Curb Thickness and Width.

1. No concrete curbing shall be less than 8 inches on the top thereof, nor the thickness from the bottom of excavation to the grade line of the street less than 9 inches, where the

top does not exceed 8 inches. It is the intent and meaning of this Section that the thickness of the concrete shall in all cases be determined by the width of the top of the curb when finished, and that the bottom of excavation to the grade line of the street, it shall not be less than 1 ¼ times that of the top of curb as aforesaid.

~~2. The top width of the concrete curbing on streets more than 60 feet wide shall not be less than 8 inches and on all other streets shall not be less than 6 inches and shall be in conformity with the plan on file in the office of the Director of Public Works marked "Cement Concrete Curb" attached hereto and made part of this Section. (Ord. 48a, 2/25/1914, §§2,3; as amended by Ord. 14-2001, 5/29/2001)(Remove)~~

§21-513. Radius Curbs.

1. All new curbs set and all curbs reset at intersections or projecting angles of streets shall be set or reset to the lines of circular arc, tangent to curb lines, of the greatest radii possible that will not reduce the width of the sidewalk at any point to less than that of the sidewalks of the lesser widths. The curb opposite the projecting angle shall have a circular arc tangent to curb lines of the greatest radius possible, that will not reduce the width of the roadway at any point to less than that of the roadway of lesser width.

[Ord.9-1923]

2. The radii of all curbs reset at intersections of streets where traffic regulations do not permit vehicular traffic to turn corners, shall be determined by the Director of the Department of Public Works with the approval of the Director of Public Works .This subsection shall apply only as long as traffic regulations do not permit such vehicular traffic turns, otherwise subsection (1) hereof shall apply and shall remain in full force and effect. [Ord. 17-1955]

(Ord. 9-1923, 2/7/1923, §1; as amended by Ord. 17-1955, 5/25/1955, §§1, 2; and by Ord. 14-2001,5/29/2001)

§21-514. Projecting Porches, Areaways or Steps; Cellar Doors.

1. No person, firm or corporation shall make or set up or cause to be made or set up or reset on Penn Street, any porch, areaway or step, which shall extend beyond the building line as fixed by the topographical survey of the City of Reading .

2. No person, firm or corporation shall make and set up or cause to be made or set up or reset areaways extending beyond the building line of Walnut Street, Washington Street, Penn Street, Franklin Street and Chestnut Street from Front to Eleventh Streets and on Front, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Streets from Chestnut to Walnut Streets in the City as fixed by the topographical survey of the City of Reading.

3. It shall be unlawful to erect, reset, repair, use and maintain cellar doors extending beyond the building line of Walnut Street, Washington Street, Penn Street, Franklin Street and Chestnut Street from Front to Eleventh Streets, and on Front, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Streets from Chestnut to Walnut Streets in the City of Reading, until a permit for such cellar door has first been obtained from the Department of Public Works subject to the following limitations, restrictions and conditions which shall be prescribed by the Director of Public Works

A. No permit will be issued for the setting, resetting or repairing of any cellar door on the above listed streets until there has been executed a vault or areaway agreement covering the vault or passage way under the sidewalk leading to such cellar door.

B. No permit will be issued for the setting, resetting or repair of any cellar door on the above listed streets until the property owner files with the City Clerk a public liability bond of \$10,000 to \$20,000 limit, naming the City as a party assured. Such bond shall be kept in force as long as the cellar door remains in existence.

C. Plans of proposed construction shall be submitted by the property owner, showing location and type of construction of vaults and cellar doors, which shall be approved by the Director of the Department of Public Works, and the Director of Public Works prior to the issuance of any permit for such work.

D. Not more than one cellar door for each property shall be permitted on sidewalks of the above listed streets.

E. All cellar doors shall be of steel, no larger than 4 feet by 5 feet flush with sidewalk grade and have no projections or depressions beyond the uniform grade of sidewalk, except those necessary to produce a nonskid surface. They shall be arranged so they can be opened and closed only from the outside or sidewalk area, and shall be provided with approved guards to protect pedestrians during the entire period the doors are not firmly closed.

F. The nearest edge of new cellar door construction shall be at least 3 feet from the center line of any fire hydrant and at least 3 feet from the building line of any intersecting street.

G. Cellar doors and vault covers shall be designed for a concentrated live load of 800 pounds or for a uniform distributed live load of 250 pounds per square foot over the entire area, whichever produces the greatest stress. Top slabs shall be of a minimum thickness of 6 inches of reinforced concrete even though a more shallow depth will resist the design stresses.

H. Repairs to existing cellar ways or sidewalks of the above listed streets may be made by installing new steel cellar door frames and doors at present locations.

I. The use of cellar doors at all times shall be subject to regulations by the Department of Police. (*Ord. 32-1953, 11/18/1953, §§1-3; as amended by Ord. 14-2001, 5/29/2001*)

§21-515. Openings in Sidewalk to be Covered or Guarded.

All owners or property which have an underground alley or open passageway occupying a portion of the City sidewalks shall have the same protected or guarded by a covering of substantial material, or guarded in order to avoid danger likely to arise by reason of such openings being unguarded.

(*Ord. 25-1889, 6/28/1889, §1*)

§21-516. Penalty.

1. Whoever violates any provision of this Part where another penalty is not otherwise provided shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000

plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

2. Whoever violates any provision of §21-514 shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days and shall forthwith remove or cause such porch, step, areaway or cellar door to be removed. (*Ord. 42a*, 2/11/1914, §4; as amended by *Ord. 32-1953*, 11/18/1953, §4; and by *Ord. 14-2001*, 5/29/2001)

PART 6

RADII OF CURB LINES AT STREET INTERSECTIONS

§21-601. Radii Established.

1. The following radii be established for intersections of curb lines to minimize danger and avert congestion of traffic.

2. The radii of the circular areas of curb lines connecting the adjoining straight or tangent curb lines at points of projected intersection, in all cases shall be those of tract circles and the lengths of such radii to be governed as follows:

A. Curb lines which intersect at an angle of 90 degrees or right angel and which are:

(1) Adjacent to sidewalks either of which is greater than 10 feet in width shall be joined at such intersection by a circular arc the radius of which shall be 8 feet.

(2) Adjacent to sidewalks which are between 6 ½ feet and 10 feet, inclusive, in width, shall be joined at such intersection by a circular arc the radius of which shall be 6 feet.

(3) Adjacent to sidewalks which are between 2 feet and 6 ½ feet, inclusive, in width, shall be joined at such intersection by a circular arc the radius of which shall be 3 feet.

B. Curb lines which intersect at an angle other than 90 degrees or a right angle shall be joined at such intersection by simple circular arcs the radius of which shall be determined as described on plan No. C-77 of the Department of Public Works of the City of Reading, entitled "Plan Illustrating Rule for Determining Curb Radii," dated April, 1916, which shall be on file in the office of the Director of Public Works. (*Ord. 43-1916*, 5/13/1916, §1; as amended by *Ord. 14-2001*, 5/29/2001)

§21-602. Conformance.

From and after the passage of this Part, all new curbs set and all curbs reset shall conform to said radii. (*Ord. 43-1916*, 5/13/1916, §2)

PART 7

STREET OCCUPANCY PERMITS

§21-701. Purpose.

No person, firm or corporation shall break the pavement or surface of any legally open street, between the curb lines thereof, until a permit is obtained from the Department of Public Works, Division of Engineering. (Ord. 7-2004, 2/23/2004, §2)

§21-702. Application.

1. Applications to break the pavement or surface of any legally open streets shall be made on the form provided by the Division of Engineering, shall include all information requested and shall be signed by the applicant.
2. Applications shall also be accompanied by a permit fee of \$10 and a payment to defray the cost of street restoration by the City of Reading in accordance with the following listing unless otherwise stipulated.

Street Class	Proposed Fee Not To Exceed 5 SY	Proposed Fee for Each Additional Square Yard Over 5 SY
Class A	\$120	\$60
Class B	\$120	\$60
Class C	\$100	\$50
Class D	\$40	\$20
Class E	\$40	\$20

*Proposed Fee Not
to Exceed 5 S.Y.*

\$140/s.y.

*Fee for Each
Additional Square
Yard Over 5 S.Y.*

\$110/s.y.

(Ord. 7-2004, 2/23/2004, §§3, 4)

§21-703. Charged Surface.

In computing the square yards of the surface to be charged, 9 inches shall be added to all sides of the proposed cut. All fees and charges shall be paid or a legally binding letter of agreement accepted by the City before the issuance of the requested permit. (Ord. 7-2004, 2/23/2004, §5)

§21-704. Permits for Pavement Cuts.

Permits for pavement cuts on streets paved within 5 years from the date of application for the cut shall be issued at the following additional costs; 100 percent additional for the current year and the first year; 80 percent additional second year; 60 percent additional for third year; 40 percent additional for fourth year; and 20 percent additional for the fifth year of service. (Ord. 7-2004, 2/23/2004, §6)

§21-705. Site Conditions.

Where in the opinion of the City Engineer and at his sole discretion site conditions are such that additional effort is required to protect the integrity of the City's streets, the permittee may be required to perform additional work and pay additional costs. This option could include permanent restoration of the street surface by the applicant along with payment of all above stipulated fees and charges; or the reconstruction and/or street break or cut at the permittee's expense. Where additional work is required a legally binding "letter of agreement" acceptable to the City shall be provided by the applicant before issuance of the permit. (*Ord. 7-2004, 2/23/2004, §7*)

§21-706. Inspection.

Upon inspection, if it be determined that the applicant actually removed, disturbed or damaged, either in the initial or subsequent restoration, an area of yardage greater than that set forth in his/her application, the applicant shall forthwith pay a proportionate amount to be fixed by the Department of Public Works, Division of Engineering within 3 days after demand thereof shall be made in writing. (*Ord. 7-2004, 2/23/2004, §8*)

§21-707. Permits.

No permit shall be issued to any person, firm or corporation indebted to the City because of any previous application or permit. This permit is issued subject to all Ordinances of the City of Reading, all State and Federal laws and to the following conditions:

A. **Bore Holes.** Bore holes will be considered street cuts and a charge of \$5 will be levied for each bore hole made. A permit will be required for each bore hole grouping. The applicant shall plug or seal bore holes, in a manner and with materials approved by the City Engineer, to the street surface within 30 days of boring. If the applicant does not plug or seal these holes within the given time, the City of Reading reserves the right to take any steps deemed necessary to repair the street and the associated costs shall then be paid by the permittee.

B. **Emergency Cuts.** Emergency street cuts and excavation required to access leaking utility mains or other installations that pose a potential hazard, or bore holes required to search out threatening conditions, may be made in advance of a permit at the discretion of the party or parties conducting the investigation and repairs. If the investigation indicates an emergency condition exists, the City's Police Division shall be notified immediately at (610) 655-6111, otherwise, an authorized representative of the responsible party(s) shall notify the Department of Public Works, Division of Engineering, at (610) 655-6237 the next business day, and proper application accompanied by appropriate fees or a legally binding letter of agreement shall be submitted to the City within 7 days of commencing the work.

C. **Ahead of Paving Permit.** Permits for street cuts performed in advance of City of Reading scheduled street improvements at the same location, where the required work is completed in accordance with a schedule approved by the City Engineer, will be charged at the rate of \$10 per block and/or street intersection. A detailed construction plan must accompany each application for an "Ahead of Paving Permit." Excavation, backfilling and

temporary street cut restoration will be performed by the permittee at his/her cost as directed by the City Engineer.

D. Subsurface Plans. Upon completion of work, the permittee shall furnish to the City Engineer completely dimensioned plans showing accurately and distinctly, and in such detail as required, the size, shape and kind of structure he/she has installed or altered and its location with reference to the street surface and the nearest curb line and curb intersection. No refunds will be allowed until such plans have been furnished and accepted.

E. Time Limit. In case the work has not been completed on or before the date as shown on the permit, the City Engineer may, if he deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening for which the permit had been issued. If an extension of time beyond said date is necessary for the completion of the work, a written application therefore must be filled, and if an extension be granted, an additional fee of \$10 per month, or a fraction thereof, will be charged.

F. Excavation; Notice. Pennsylvania law (Act No. 172, effective June 10, 1987) requires those who intend to excavate, demolish or blast to file certain notices (One Call, etc.) before commencing work. Applicants for permits to break the pavement or surface of any legally open street shall comply with all the requirements of this Act and the City of Reading permits issued where this obligation has not been met shall be deemed null and void.

G. Trenches in paved areas shall be cut to a neat edge using an asphalt/concrete saw or jackhammer.

H. Barricade Cover and Lighting. All street openings shall be completely barricaded and protected by the permittee. Excavations left open or incompletely repaired after dark shall be marked by PADOT approved flashing lights. Where work is interrupted the person responsible for the opening shall secure and cover the excavation with an appropriate metal plate. Nothing contained in this Part or other legislation of the City of Reading shall release the person or persons opening the street from all liability associated with claims for injury or damage resulting therefrom.

I. Backfilling. Materials excavated in conjunction with street cuts should be promptly hauled away and shall be removed before nightfall. The permittee shall arrange for the immediate repair of the effected utility and backfill the trench without delay. Backfill material shall consist of 2A modified stone placed and properly tamped or vibrated in 6-inch lifts to within 2 inches of the abutting surface unless other materials and procedures are specifically approved by the City Engineer.

J. Paving Restoration. Immediately following backfilling and compaction the permittee shall apply ID-2A bituminous surface material (or cold patch if hot mix is not available) to a minimum dept of 2 inches and compacted to the level of the abutting surface. The surface material shall be tamped with a gravity roller or vibrating compactor subject to the approval of the City Engineer. The permittee shall maintain the restoration by re-excavating and/or applying additional surface material in order to provide a smooth riding surface for a period of 1 year after

restoration or until the City provides a permanent surface repair. Repairs shall be made by the permittee within 24 hours notice by the City and by accepting a street cut permit, the permittee acknowledges his/her liability for maintenance of the cut whether or not he/she is notified by the City to perform additional work.

K. Notice to Beginning Work. The Department of Public Works, Division of Engineering, shall be notified at (610) 655-6237 or (610) 655-6073 when the opening in the pavement is to be made, and shall be further notified when a cut is to be backfilled and completed, so that the proper instructions may be issued for permanent pavement replacement.

L. Work for the City of Reading. Permit will be required of contractors doing work of this nature for the City of Reading although all regular fees and charges for said work are waived.

M. Work to Conform to the City of Reading Standards. The work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the City of Reading. If the City of Reading discovers that the work has been discontinued or has not been properly performed, the permittee, upon being notified thereof in writing by the City of Reading, shall immediately take all necessary steps, at his or her own expense, to place the work in such condition, as to conform to the City's requirements or standards. If a dispute arises between the permittee and the City of Reading's inspector, the City of Reading's inspector shall have the authority to suspend work until the matter can be referred to and be decided by the City's Engineer.

N. Additional Inspection Fees. If the City of Reading determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more employees to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for all salary, overhead and expenses incurred by the City of Reading for inspection. (*Ord. 7-2004, 2/23/2004, §9*)

§21-708. Penalties.

Any person, firm or corporation who breaks or cuts in any manner the surface of any street of the City without first having obtained the proper permit and paid the application fee and charges hereinbefore set forth, including any extension fee, or violates any of the other provisions of this Section shall, upon conviction before District Justice, be sentenced to pay a fine not exceeding \$300 for each offense, plus costs; and in default of the payment of such fine and costs, said person and/or the responsible agents or officers of firms or corporations, violating the provisions of this Section, shall be imprisoned in the Berks County Prison for a period not exceeding 90 days. (*Ord. 7-2004, 2/23/2004, §10*)

BILL NO. _____-2008

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AND RIGHT OF WAY INSTRUMENT BETWEEN THE CITY OF READING TO METROPOLITAN EDISON COMPANY AND LOCATED OVER A PORTION OF PREMISES KNOWN AS BERKS COUNTY ALTERNATE APN 18530616947572.

WHEREAS, the City of Reading is the legal owner of certain property known as Berks County Alternate APN 18530616947572; and

WHEREAS, Metropolitan Edison Company has requested that the City of Reading grant a thirty-five foot (35') wide corridor easement and right of way located over a portion of aforesaid premises and adjacent to an existing sixty foot (60') wide easement as set forth in attachment; and

WHEREAS, the City of Reading intends to grant said easement and right of way.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

1. **SECTION 1.** The Mayor is authorized to execute a document titled Easement (as described in attachment) thereby granting a thirty-five foot (35') wide easement and right of way from the City of Reading to Metropolitan Edison Company and located over a portion of property known as Berks County Alternate APN 18530616947572.
2. **SECTION 2.** This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(LAW DEPT.)

BILL NO. _____-2008
AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CITY OF READING CODE OF ORDINANCES BY CREATING AND ADOPTING PART 10 RESIDENTIAL RENTAL TAX OF CHAPTER 24 TAXATION, SPECIAL, OF THE CITY OF READING CODE OF ORDINANCES, TO BE FOUND AT SECTIONS 24-1001 TO 24-1010, ENTITLED "RESIDENTIAL RENTAL TAX" WHICH SHALL IMPOSE A TAX ON THE TRANSACTION OF ENTERING INTO A LEASE FOR RESIDENTIAL PROPERTY; ESTABLISHING THE RATE OF SUCH TAX; PROVIDING PROCEDURES FOR THE ADMINISTRATION AND COLLECTION OF THE TAX; AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, 53 P.S. § 6901, et .seq., otherwise known as the Local Tax Enabling Act, authorizes the City of Reading to create a tax known as the Residential Rental Tax; and

WHEREAS, the City of Reading desires to enact such a tax under the authority of the Local Tax Enabling Act.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Reading Code of Ordinances is hereby amended by creating Chapter 24 Taxation, Special, Part 10 Residential Rental Tax, Sections 24-1001 to 24-1010 to read as follows:

PART 10
RESIDENTIAL RENTAL TAX

§24-1001. SHORT TITLE.

This Part shall be known and may be cited as the City of Reading Residential Rental Tax.

§24-1002. AUTHORITY FOR TAX.

This tax is levied under the authority granted to the City of Reading by the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, No. 511, as amended, 53 P.S. §6901 et seq.

§24-1003. DEFINITIONS AND WORD USAGE.

A. Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this Article, have the meanings indicated as follows:

1. CITY- the City of Reading, Berks County, Pennsylvania.
2. DWELLING UNIT - A building arranged, intended, designed or used as the living quarters for one or more families living independently of each other

within the building. The term "dwelling unit" shall not be deemed to include a hotel unit.

3. HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.

4. HOUSING LICENSE - a document issued by the Codes Division to the Owner of a Residential Rental Unit.

5. LEASE TRANSACTION - a transaction under which an Owner, either directly or through an agent of such Owner, and any other person or persons enter into an agreement under which such person or persons is/are allowed to become Occupant(s) of a Residential Rental Unit for a period equal to or less than one year. Each year of a multi-year lease or other agreement allowing occupancy of a Residential Rental Unit shall be considered a separate lease transaction.

6. OCCUPANT - any person over eighteen (18) years of age living and sleeping in a Residential Rental Unit or having actual possession of said Residential Rental Unit.

7. OWNER - Any person who, individually, jointly or severally with others, shall have legal or equitable title to or have any other legal or beneficial interest in any Residential Rental Unit, whether or not such person occupies the Unit or any part thereof. If more than one person owns the property as joint tenants, tenants in common, tenants by the entireties, or tenants in co-partnership, each such person shall be considered an owner and shall have all of the duties of an Owner under this Part.

8. PERSON - Includes any individual, firm, corporation, company, association, partnership, trusts, agent or other entity.

9. PERSONAL CARE HOME - a premises in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration which meets all regulations of the Pennsylvania Department of Public Welfare.

10. RESIDENTIAL RENTAL UNIT - (i) a Rooming Unit or (ii) a dwelling unit let for rent. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multifamily building, and each rooming unit shall be considered a separate Residential Rental Unit. If a structure contains a Rooming Unit or if any portion of the structure is let for rent, it shall be considered a Residential Rental Unit whether or not the Owner or a relative of the Owner also resides in the structure. A Residential Rental Unit shall not include a Hotel Unit or a Personal Care Home. A Residential Rental Unit includes dwelling units under lease-purchase agreements, or long-term [greater than six (6) months] agreements of sale.

11. ROOMING UNIT - a portion of a dwelling unit including any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes. Granting of permission to use shared or common cooking facilities may be associated with the leasing of a rooming unit. .

B. Word Usage.

1. Tense, Gender and Number. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.

2. Whenever the words "Residential Rental Unit," "Rooming Unit," and "Dwelling Unit" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

§24-1004. IMPOSITION OF TAX.

A tax is hereby levied and imposed, for general City purposes, on every Lease Transaction, at the rate of thirty (\$50.00) dollars.

1. The foregoing tax shall be levied upon all Lease Transactions which authorize a person to be an Occupant of a Residential Rental Unit, regardless of when such person or persons commenced occupancy of the Residential Rental Unit.

2. No tax shall be imposed more than once each calendar year on Lease Transactions involving the same individual Residential Rental Unit.

§24-1005. PAYMENT DATES.

The tax imposed under this Part shall be payable to the City by the Owner of each Residential Rental Unit which is the subject of a Lease Transaction. The tax shall be payable on January 1, 2009, or pursuant to the collection procedures as established by the City of Reading and annually thereafter so long as the Residential Rental Unit is the subject of a Lease Transaction. In the case of any Residential Rental Unit which is first the subject of a lease transaction after January 1, 2009, such tax shall be payable at the time of issuance of a Housing License and thereafter on January 1 of each year, or pursuant to the collection procedures as established by the City as long as the Residential Rental Unit is the subject of a Lease Transaction.

§24-1006. COLLECTION AND DISPOSITION.

1. The City Tax Division Manager or his/her designee shall be and hereby is appointed the collecting agent for the collection of the tax.

2. The payment of the tax imposed by this Part shall be evidenced by a receipt setting forth the date and amount of payment, the name of the payee, and the identification of the Residential Rental Unit which is the subject of the Lease Transaction for which the tax is paid.

3. The City Tax Division Manager is authorized and empowered to prescribe, adopt and promulgate rules, regulations and forms relating to any matter or thing pertaining to the administration and enforcement of this Part and the collection of the tax, interest and penalties hereby imposed and may appoint assistants to collect the tax and administer this Part, subject to the approval of City Council.

§24-1007. INTEREST AND PENALTIES.

1. Any tax imposed under this Part which is unpaid more than 30 days after the date such tax is due and payable shall be subject to interest at the rate of 1 % per month or fractional part of a month until paid in full.

2. A penalty of 10% is hereby imposed upon all taxes which are unpaid more than 30 days after they are due and payable in accordance with the provisions of this Part. Any penalties imposed pursuant to the terms of this Section shall be a penalty upon the entire unpaid balance which shall include the tax plus any accumulated interest to date.

§24-1008. RECOVERING OF TAXES AND PENALTIES.

All taxes imposed by this Part, together with interest from the due date and the penalty thereon, may be recovered as other debts of like character are now by law recoverable.

§24-1009. VIOLATIONS AND PENALTIES.

1. It shall be unlawful for any Owner of a Residential Rental Unit to:

- A. Enter into a lease transaction without having paying the tax imposed by this Part.
- B. Fail, neglect or refuse to comply with or violate the rules and regulations prescribed, adopted and promulgated under the provisions of this Part.

2. Any person convicted before a District Justice of violating any of the provisions of this Part shall be liable to a fine not exceeding \$600.00 for each and every offense, together with the cost of prosecution thereof and in default of payment of the fine, may be imprisoned for a period not to exceed 30 days. The payment of such fine or the serving of such imprisonment shall not relieve the person liable for such tax to pay such tax, interest, and penalties. Each day that an offense continues shall constitute a separate violation of this Part.

SECTION 2. All other sections, parts and provisions of the City of Reading Code of Ordinances shall remain in full force and effect as previously enacted and amended.

SECTION 3. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect ten (10) days after adoption in accordance with City of Reading Home Rule Charter, as amended, Sections 219 and 221. The tax established hereunder shall begin to be administered on January 1, 2009 and collected on January 1, 2009, or pursuant to the collection procedures as established by the City of Reading.

2008. Enacted _____,

President of Council

Attest: _____
City Clerk

(Law Dept.)

R E S O L U T I O N N O. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That James Reber is reappointed as an alternate to the Board of Health,
with a term ending December 31, 2012.

Adopted by Council _____, 2008

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Brian Sands is reappointed to the Plumbing Board of Examiners,
with a term ending December 31, 2012.

Adopted by Council _____, 2008

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Charles Wanyo III is appointed to the Downtown Improvement
District Authority, to fill the unexpired term of Brad Weisman, with a term
ending January 1, 2010.

Adopted by Council _____, 2008

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk